The Older Person and the Law

An Informational Handbook

Canadian Pensioners Concerned Inc.
Ontario Division

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An Informational Handbook

James Thomson, on behalf of
Canadian Pensioners Concerned Inc.
(Ontario Division)
with the support of
The Ministry of Culture and Recreation
Multicultural Development Branch
October 1977

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To the Reader

This handbook is a guide to understanding your rights in general terms. Effort has been made to ensure that the information contained is accurate and not misleading, but it may well be that certain items are not current. The handbook will not be of assistance to seniors who are not resident in Ontario, and does not pretend to describe completely your legal or other rights in any subject area. Since the law is complicated, and your rights may be different in a particular situation, the author and the Canadian Pensioners Concerned Inc., Ontario Division suggest that you seek qualified advice or assistance if you are in doubt or need help or want to ask questions.

Preface

The Older Person and the Law has continued, since its publication in 1979, to be a seniors' best seller.

Many recent legal changes related to seniors make this fourth reprinting timely. Once again, the contents are up-to-date and accurate.

We wish to express our appreciation to Miss Judith Wahl, Executive Director of the Advocacy Centre for the Elderly for her painstaking review of the book, careful corrections and additions.

We also gratefully acknowledge the assistance of the Steering Committee on Public Education and Volunteerism of the Ontario Ministry of Community and Social Services.

And finally, we remember the efforts of Helen Fowke and the late Hilda Pritchard, whose vision bore fruit in this book.

Jean R. Woodsworth, President
Canadian Pensioners Concerned Inc., Ontario Division

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1. About This Handbook

The thrust of this handbook is two-fold. The majority of the chapters attempt to help senior citizens understand some of their most pertinent legal rights. The subject areas discussed have been chosen and combined in one volume in the belief that they represent the legal matters of most pressing concern to the elderly. The approach in these chapters is not that of the how-to-do-it handbook. Variations of individual circumstances can produce an infinite spectrum of results, and canvassing them all is not practical in a general handbook such as this. Instead, a middle ground is adopted. Rights which will arise in almost all situations are discussed, followed by the suggestion that the reader seek assistance from a qualified advisor for the purpose of studying the applicability of the general rule to the individual case. Chapter Four, supplemented by comments in other chapters, suggest where such advice may most usefully be found.

A minority of the chapters, in particular Chapters Six, Seven and Eight, are informational rather than "legal" in that they canvass opportunities for public assistance available to many seniors. The approach here is similar to and supplementary to that of the other chapters. Ultimately, reference must be made to those in charge. However, it is hoped that these chapters may at least help the reader to pre-select the schemes of most interest, and to be more knowledgeable when contact with the administrators of those programmes is made. With this purpose in mind, significantly more information is presented here than is usual in such general handbooks.

The research for this handbook was undertaken at the instigation of and under the aegis of the Ontario Division of Canadian Pensioners Concerned Inc., during the summer of 1977. The project was funded under Programme 42A of Experience 77, administered by the Multicultural Development Branch of the Ministry of Culture and Recreation.

Canadian Pensioners Concerned Inc., Ontario Division was also responsible for the updating of this handbook in December, 1979 and January, 1982.

It is hoped that any utility which this handbook possesses will accrue not only to English-speaking seniors, but that some means will be found to enable it to be of assistance to those senior citizens who are arguably most in need of a guide of this kind—those who do not speak English.

2. Canadian Pensioners Concerned

First incorporated in 1971, Canadian Pensioners Concerned Inc. now has branches in Nova Scotia, Alberta, Ontario, and affiliates in Quebec. A voluntary, non-profit organization of retired persons, it seeks to inform, encourage and assist all retired people in Canada.

One of the aims of the Ontario Division of Canadian Pensioners Concerned Inc. is to inform pensioners of the benefits to which they are entitled and to assist in obtaining them. This is accomplished through publications, seminars and talks, letters and chapter offices. A second objective is to inform other individuals, corporations and governments of the needs of the elderly. This is effected by briefs and other presentations to government and political leaders, as well as by public meetings and by making use of the full range of the media.

However, there is still much to be done. Pressing concerns at the moment include erosion of the value of savings due to inflation, the size of pensions relative to the contribution which pensioners have made to the growth of Canada, extension of health care services such as Home Care, support for the elderly in their own homes or apartments to reduce pressure on public subsidized housing, and fair and equitable taxation.

In its role as an information source for seniors, Canadian Pensioners Concerned publishes a quarterly magazine, *Seniors' Viewpoint*, which is available to members, and on subscription. Over the course of its life, the association has also published a range of other material, most of which is now no longer available, but which demonstrates the association's ongoing representation with senior's concerns.

For instance, it published a list of its accomplishments in a four-page leaflet entitled *A Dynamic Force of Grey Heads. Program for Action* outlined different projects which Canadian Pensioners Concerned Inc. worked on in connection with the various governments.

The Ontario Division of Canadian Pensioners Concerned Inc. was also instrumental, in conjunction with the Association of Jewish Senior Clubs Co-ordinated Services to Jewish Elderly, in producing a book entitled *While They Wait*, which is composed of profiles of elderly persons on waiting lists for homes for the aged and nursing homes. The book, *The National Context: A Report on Government Programs Concerning the Elderly*, by John Yudelman, published in 1974, was another major early effort.

NOTE: In the course of reading this handbook, you will find reference to a number of pamphlets which you will find useful for further investiga-

tion. The Ontario Division of Canadian Pensioners Concerned Inc. stocks many of these and is pleased to forward them to interested seniors.

Canadian Pensioners Concerned—Ontario Division
51 Bond Street,
Toronto, Ontario
M5B 1X1 Phone: **(416) 368-5222**

3. Other Sources of Information

This book is primarily directed towards the legal rights of the older person. It does not examine such things as subsidized housing, discounts for seniors, cultural/social/recreational opportunities for those 65 and over. These topics are already covered admirably in a number of general booklets, a selection of which appears below.

1) The Ministry of Community and Social Services will be of assistance regarding Elderly Persons' Centres, Homes for the Aged, Homemakers and Nurses Services Programmes, Home Support Services, and other enquiries. In Toronto call 965-1433. The Ministry has a large number of district offices. Check your local directory, or phone the Office for Senior Citizens' Affairs 416-965-5106.

The Ministry also funds a Seniors' Information Centre which has a hotline manned by volunteers to help seniors with their problems. In Metropolitan Toronto contact:

Seniors' Information Centre
2195 Yonge Street
First Floor
Toronto, Ontario
M7A 1G1 Phone (416) 965-5103

2) The Ontario Social Development Council - Section on Aging works with groups such as Canadian Pensioners Concerned to increase public awareness of the problems associated with aging. The Council has available a pamphlet, *Speaking Out*, published in 1984, as well as other publications.

Contact:

Ontario Social Development Council
Section on Aging,
60 Bloor Street West
Suite 208
Toronto, Ontario
M4W 3B8 Phone (416) 961-4771

3) The Community Information Centre of Metropolitan Toronto is an invaluable source of information about the general and neighbourhood resources available to the residents of Metropolitan Toronto. The Centre has produced a booklet entitled *Information for Seniors*. While it is of interest primarily to residents of Metropolitan Toronto, it is easily portable and parts of it have been translated and published in a number of ethnic newspapers.

The CIC publishes several specialized guides and directories about community services for seniors. These directories include information

on home support services, nursing homes, homes for the aged, seniors apartments, retirement homes, and clubs for older people. These publications are available from the CIC or can be used at the reference desk at most public libraries or at the CIC Offices. Contact:

Community Information Centre
34 King Street East, 3rd Floor
Toronto, Ontario
M5C 1E5 Phone (416) 863-0505

4) In addition to the above general guides, there are many pamphlets on particular matters of interest to seniors. A number of these are referred to in the following chapter. As well, the Ministry of Tourism and Recreation has produced a number of publications including *The Job of Executive Officers in Senior Citizens' Clubs, Organizing Club Activities with Older People, Leisure Can Be Pleasure (Changing Roles in Retirement), Options (Retirement Information and Exercises for Individuals and Partners Planning for Leisure in Later Years), Recreation for Older Adults, Time on Their Hands (a Manual on Recreation for Older Adults in Residential Situations and for the Home Bound Elderly), You Can Do It (Leisure Counselling) and Fitness for You.* For Information, contact:

Ontario Government Book Store
Publications Centre
880 Bay Street
Toronto, Ontario
M5S 1Z8 Phone: (416) 965-2054
Toll Free No: 1-800-268-7540

5) The Office of Senior Citizens' Affairs has produced a helpful booklet of general interest: *Guide for Senior Citizens: Services and Programs in Ontario.* Contact:

Office for Senior Citizens' Affairs
76 College Street, 6th Floor
Queen's Park
Toronto, Ontario
M7A 1N3 Phone: (416) 965-5106
(Collect calls accepted)

Phone Number for Seniors in Metropolitan Toronto

In the chapters which follow, it is suggested at various points that you may wish to contact your municipal government, your alderman, or a public health nurse. Here are some phone numbers which may help you contact those and other people.

Metro Toronto Community Services (General Inquiry)	392-8623
Metro Toronto Housing Co. Ltd.	484-7101
Rent Review Office	964-8281

Toronto City

Public Health Nurse	392-7461
Municipal Offices (information)	392-7341

(For individual offices, see phone book under Government—City of Toronto)

Councilors and Aldermen. . .See phone book for individual listings in Blue Pages under Government Services - City of Toronto - Toronto City Council

Scarborough

Municipal Offices (switchboard)	296-7111
Aldermen	296-7275
Public Health Nurse	296-7454

East York

Municipal Offices and Aldermen (switchboard)	461-9451
Public Health Nurse	461-8136

North York

Municipal Offices	224-6411
Aldermen	224-6017
Public Health Nurse	224-6203

York

Municipal Offices	394-2700
Aldermen (ext. 240)	394-2408
Public Health Nurse	394-2436

Etobicoke

Municipal Offices	626-4161
Aldermen	626-4310
Public Health Nurse	626-4314

4. Legal Services

Lawyer Referral

The Law Society of Upper Canada operates a Lawyer Referral Service for those who need a lawyer but do not know one. You will be given the name of a lawyer who is competent in dealing with your type of problem. In addition, you will be entitled to an initial half-hour consultation with that lawyer for $20.00. After that, the lawyer's fees will be at his going rate.

In Toronto, phone 947-3330 to obtain further information. Outside of Metro Toronto dial toll free 1-800-268-3826. From Area Code 807, ask the operator for Zenith 58600.

Legal Aid

Three important programmes are operated under the Ontario Legal Aid Plan. The first provides for "Duty Counsel" at each provincial court. These are lawyers who assist people charged with criminal offences by advising them of their rights or by helping them in various other ways.

Of greater interest to most seniors is the Legal Aid Certificate Programme. The purpose of this scheme is to make sure that no resident of Ontario is unable to get legal services because of his or her financial circumstances. Thus, if you need a lawyer but cannot afford one, you should consider making an application for a Legal Aid Certificate.

For the purposes of the Legal Aid Plan, Ontario is divided into 'areas' (often equivalent to counties), each of which has its own Legal Aid Director.

If you wish to apply for a Certificate, you may do so through your Area Director. The Area Director is, for Legal Aid purposes, an administrator. The Certificate can be taken to any participating lawyer.

To qualify for Legal Aid, you must meet three conditions:

1. Usually you must be a resident of Ontario. However, non-residents might, in some situations, have their application approved.
2. Your *legal problem* must be of a kind for which legal aid is available. This will be determined by your Area Director, and more information should be obtained directly from him. Generally, it's always a good idea to enquire. However, don't be surprised if you are unable to get a Certificate for:

    - an action in a Small Claims Court. You would probably appear in this type of court when, for example, in the County of York you are trying to get back less than $3,000.00 from someone ($1,000.00 elsewhere in the province). However, the Court is well suited to handling people who appear without

lawyers. In addition, you might be able to receive assistance from law students as suggested later in this chapter.

- a lawyer's services in selling your home. These services are usually paid for out of the money you receive in the sale.
- a lawyer's services in drawing up your will. However, if you are on pension and receiving the Guaranteed Income Supplement, you may qualify for Legal Aid in drawing up your will. For more information, in Toronto: Phone 598-0200.

Remember: It's almost always a good idea to enquire if you do qualify for Legal Aid.

3. Your financial situation must be such that you require assistance in paying a lawyer's regular fees. If your Area Director feels that Legal Aid would be available for your type of legal problem, then the Ministry of Community and Social Services will assess your financial need. This will include looking at certain of your expenses and assets, and at your family income. The Ministry will decide how much, if anything, you are able to contribute towards your legal costs. Legal Aid will pay for the difference, if any, between the amount you are able to contribute and the cost of the legal services.

If you are denied a certificate you can, in most cases, appeal the decision within ten days of receiving notice of it. For more information about this procedure, contact your Area Director.

For the York County Area, including Metropolitan Toronto; Phone (416) 598-0200

Community Legal Clinics

The Ontario Legal Aid Plan also operates 64 Community Legal Clinics across Ontario which can help you with problems in a variety of areas of law including pension problems, social assistance, landlord and tenant, worker's compensation, immigration, mental health, and other matters. To qualify for legal assistance at the Community Legal Clinics, you must have a limited income and reside in the geographic area served by that clinic. The services are provided at no cost although you will be asked to contribute to the out of pocket expenses, if any, of providing you the legal service. For the name and address of the clinic nearest you, contact your local Legal Aid Office or refer to the listing under Legal Aid/Legal Aid Clinics in the yellow pages of the telephone book under "Lawyers".

Law Students' Legal Assistance Programmes

There are six law schools in Ontario: in Windsor, London, Toronto (2), Kingston, and Ottawa. Legal assistance programmes are offered on a voluntary basis by the students. You may find it useful to make use of these services for such things as Small Claims Court actions, certain landlord and tenant matters, and for assistance in appearing before a

number of administrative boards. These services are provided at no cost, but you must be in financial need. Each school draws up its own guidelines as to what 'financial need' constitutes. Since the students must also go to classes, the programmes cannot undertake an unlimited number of cases.

In Toronto:

Community Legal Assistance Services Program
Osgoode Hall Law School, York University (416) 667-3143
Downtown Legal Services, University of Toronto (416) 978-6497

Dial-A-Law

The Dial-A-Law Program of the Law Society provides free taped legal information on a wide variety of subjects in everyday language, ranging from criminal law to wills and estates. Contact:

In Metropolitan Toronto 947-3333
Outside Toronto, but within the 416 Area Code, dial toll free 1-800-387-2920
From Area Codes 519, 613 and 705, dial 1-800-387-2992
From Area Code 807 ask the operator for Zenith 99210

To obtain a copy of Dial-A-Law Tape Guide contact 416-947-3465.

Other Sources of Legal Assistance

Other sources include (1) Neighbourhood community centres - check in your area. 2) Public lectures; many legal clinics and the Student Legal Assistance Programs provide speakers for public legal education programs. Community Legal Education Ontario (CLEO), a legal clinic, directs its efforts to the development, production and distribution of legal education materials for low income people. CLEO has a resource library of current legal education materials produced by clinics and other organizations. Contact (416) 530-1800.

Your Elected Representatives

Approaching your Alderman, Councillor or other local representative, your MPP (Provincial), or your MP (Federal) is often an effective and convenient way to get your problem solved.

5. The Ombudsman

The function of the Ontario Ombudsman is to investigate complaints against the provincial government. In this sense, the provincial government includes provincial commissions, boards, agencies and ministries. The Ombudsman and his staff act in an impartial manner. They investigate the acts of the government which are alleged to have been wrongful, and then make a report based on their findings.

If you wish to make a complaint to the Ombudsman, you may do so in writing, by telephone or in person at the address below. It is very important, however, that you make sure that you have first exhausted all your regular rights to a hearing or an appeal before an administrative board. Thus, if you are upset at the manner in which your application for GAINS or Family Benefits was handled, the Ombudsman would not investigate your complaint unless you first appeared before the Social Assistance Review Board. Remember, the only basis on which the Ombudsman can investigate is that some branch of the provincial government is felt not to have acted properly. A decision of a court or of the Cabinet cannot be investigated.

If you make a complaint to the Ombudsman, he does not necessarily have to investigate the matter. For instance, the Ombudsman has the discretion to decide not to investigate when there is another avenue of appeal still available, when the complaint is trivial, when the complainant doesn't have sufficient personal interest in the matter, or when the complainant has known about the matter for more than a year before approaching the Ombudsman.

If the Ombudsman and his staff do investigate your complaint, you will not be required to pay anything, even if his report does not support your position. In addition, the Ombudsman can investigate even when the decision of a board, etc., is 'final' and there is no appeal provided for. Thus, all in all, your right to approach the Ombudsman's office with your complaint is *in addition to* any remedies or rights which you otherwise have in your dealings with the provincial government.

The Ombudsman can begin an investigation when a complaint is made by the person affected, when the person affected has complained to his M.P.P. or of his own volition. For more information or to make a complaint, contact:

The Ombudsman,
125 Queen's Park
Toronto, Ontario
M5S 2C7

Phone: (416) 586-3300 (24 hours)

The Ombudsman's Office has branches in

Thunder Bay	(807) 623-5058
North Bay	(705) 476-5800
Ottawa	(613) 234-6421
Timmins	(705) 268-2161
Kenora	(807) 468-3091

and has multi-lingual staff workers who can communicate in 24 languages.

Free publications and educational programs explaining the Ombudsman's services are available in French, English and Braille.

6. The Ontario Senior Citizens' Privilege Card

The Ontario Senior Citizens' Privilege Card is available to residents of Ontario who have reached the age of 65. You will find it useful to you in two important ways:

1. All such Privilege Cards entitle their holders, upon presentation, to free or reduced admission to many places of interest in the Province, to reduced fares on a significant number of transportation services, and to discounts at a number of restaurants, hotels, cinemas and other business establishments.

For more information on using your Ontario Senior Citizens' Privilege Card as a money-saver, contact the Office of Senior Citizens' Affairs, 965-5106, and ask for the booklet entitled *Guide for Senior Citizens: Services and Programs in Ontario.*

2. Some Ontario Senior Citizens' Privilege Cards can be used as identification cards for the purpose of having some prescriptions filled under the Drug Benefit Plan (see Chapter Eight).

If you are eligible for Drug Benefits, you will receive a *numbered* Privilege Card. As you will discover when you read Chapter Eight, there are two ways in which you can become qualified for Drug Benefits:

- by receiving an Old Age Security pension or the Guaranteed Annual Income Supplement (GAINS) for seniors. If you qualify in this manner, your Privilege Card is sent to you *automatically*, and you do not need to apply for it.
- by being 65 or over and having lived in Ontario, as a Canadian citizen or a landed immigrant, for the past year. If this applies to you and you are not qualified for either OAS or GAINS, then you can apply for your numbered Privilege Card by writing to:

Ontario Senior Citizens' Privilege Card,
Drug Benefits,
Box 2100, Station A,
Toronto, Ontario
M5W 1Y5

Phone Inquiries: (416) 965-9451
Applications: (416) 965-9337

If you are 65 or over, but do not qualify for Drug Benefits in either of the ways described above, you can apply for an Ontario Senior Citizens' Privilege Card *without a number.* This type of card can be used as a money-saver.

To receive an unnumbered Privilege Card, contact the address above, and ask for a copy of the pamphlet *What is the Ontario Senior Citizens' Privilege Card?.* The pamphlet contains further information and an application form for an unnumbered Privilege Card.

7. Pensions etc.: Your Rights in Relation to Certain Public Financial Assistance Programmes

This chapter is *not* concerned with private sources of income available to senior citizens. That is, it makes no attempt to discuss the private or employment-related pension schemes enjoyed by 30-40% of Canadian seniors, nor to review such things as Registered Retirement Savings Plans (RRSPs), or income from investments, property, business or employment. Discussion of such matters is better left to you and a professional thoroughly acquainted with your situation.

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Old Age Security

This federal old age pension is available to senior citizens, regardless of their assets or income.

To qualify:

1. You must be 65 or older. You do not have to be retired.
2. You must be a Canadian citizen or a landed immigrant.
3. You must have been resident in Canada the required number of years. The residence requirements for OAS changed as of July 1, 1977, however, persons who resided in Canada before that date and were 25 years of age or older may qualify for OAS under the new or old scheme, whichever is more favourable.

What you will receive:

Depending on the length of time you have been resident in Canada, you may receive a full or partial pension. Under the old scheme a full pension will be paid to you when you turn 65 if you meet either of the following requirements:

1. You have lived in Canada for at least the last 10 years
OR
2. You have lived in Canada for a total of 40 years after your 18th birthday.

The new scheme applies to everyone who was under 25 years old on July 1, 1977 and to everyone who did not reside in Canda after they turned 18 and before July 1, 1977. Under these requirements, you will be entitled to a full pension if you resided in Canada since your 18th birthday for at least 40 years. If you do not qualify for a full pension, you may qualify for a partial pension by having at least 10 years residence in Canada after age 18. The pension is then "earned" at 1/40 of the full amount for each year of residence after age 18 (up to a maximum of 40 years).

If you accept a partial pension you may not qualify for a full pension by additional years of residence. You will continue to receive a partial pension. At the time you apply for OAS, you may request that approval of your application be delayed until you do qualify for the full pension. Your OAS Office will advise you as to what is most beneficial for you in your circumstances and will help you decide.

Whether you qualify for a full or just a partial pension, you will receive a monthly OAS cheque. The amount is adjusted four times a year in accordance with increases in the cost of living index. As of October 1987, a full OAS pension is $308.19 per month. If you have 20 years residence in Canada since your 18th birthday, you can receive your OAS payments outside the country for as long as you want. If you have not resided in Canda for 20 years since your 18th birthday, you may only receive your OAS outside of Canada for 6 months. After that time your pension will be suspended until you return and resume residence in Canada.

To apply:

Application forms may be obtained from your local Post Office or area office of Health & Welfare Canada—Income Securities Program (in telephone book under Government of Canada—Health & Welfare Canada —Income Securities Programs—Old Age Security). Contact these offices for further information and assistance in completing the application forms.

In Toronto the offices are:

Etobicoke Area - 231-5683
1243 Islington Avenue

North York Area - 224-4403
4900 Yonge Street

Toronto Mid-town Area - 973-6580
60 St. Clair Avenue East

Scarborough Town Centre - 973-4950
200 Town Centre Court

Scarborough Area - 752-6480
2401 Eglinton Avenue East

You must submit proof of age and residence and your Social Insurance Number with your application. If you do not have the necessary documents requested in the application, do not delay your application. Mail the application and send the documents later when you have obtained them.

You should apply 6 months before your 65th birthday. If you apply for OAS after the time when you were first eligible you may be entitled to retroactive payments to cover the period from which you were first eligible up to a maximum of five years.

International Agreements on Social Security

Canada has made agreements called International Agreements on Social Security with several other countries so that people moving between these countries will not lose their entitlements to Social Security Benefits. As of April 1986, Canada has made such agreements with the following ten countries:

Barbardos	Italy
Belgium	Jamaica
Denmark	Portugal
France	Sweden
Greece	U.S.A.

The effect of these agreements is that periods of residency in any of these countries could be added to your years of residency in Canada, in order to meet the residency requirements for OAS in Canada. You must have had at least one full year of residence in Canada to qualify for OAS under the International Agreements. You may then use your years of residence in any of these ten countries to meet the other requirements.

Guaranteed Income Supplement

The Guaranteed Income Supplement is also administered by the Federal Government and is complementary to OAS in that it is paid to eligible seniors who have little or no income other than OAS. As of October 1987, the maximum combined OAS/GIS monthly cheque is $674.47 for single persons and $546.75 each for a married couple who are both pensioners.

Thus, the Federal Government attempts to ensure that every qualified single senior receives a minimum monthly income of $674.47 be it derived from a combination of public and private sources, or exclusively from public schemes.

To qualify:

1. You must qualify for OAS (see this chapter's Table of Contents).
2. You and your spouse together must have a limited income. A general rule is that any income that is included for income tax purposes is included in determining if you are eligible for GIS. Income includes earnings, rents, interest, dividends, and amounts received under retirement schemes including CPP. It does not include such things as assets, savings, OAS, Family Allowance, or War Veterans Allowance.

What you will receive:

The Guaranteed Income Supplement is paid monthly, and is added to your OAS cheque. As with Old Age Security, the amount payable under GIS is adjusted every three months to reflect changes in the cost-of-living index. The amount of supplement which you receive is based on your income for the previous calendar year. Your income for a calendar year is determined from your statement of income, which is received by the Federal Government by the following April. In this way, your "income" for the purposes of GIS cheques issued from April 1986 to March 1987 is your income for the year 1985. The amount which you receive under GIS is simply the difference between this "income" and the current guaranteed income level. GIS payments are suspended six months after you leave Canada. Upon your return, you must apply to have them reinstated.

Spouses living apart or separated

If you and your spouse are not living together in the same dwelling for reasons beyond your control, such as if your spouse is living in a nursing home or chronic care hospital, then you might be considered as single for purposes of GIS. If you and your spouse have decided to separate (not an involuntary separation) and you have been separated for a continuous period of at least six months, exclusive of the month in which you became separated from your spouse, you may apply to be considered as single for purposes of GIS.

If either of these situations applies to you, you should contact your local Health & Welfare Income Securities Office for information on how to apply to be considered a single for purposes of GIS.

To Apply:
You will be sent GIS information and an application form as soon as your OAS application is approved and every year thereafter. At this and other times, further information, assistance and application forms can be obtained by contacting your nearest Income Securities Program Office.

Since your entitlement to the supplement depends upon your income for the previous year, YOU MUST RE-APPLY FOR IT EACH YEAR. Those receiving GIS automatically receive re-application forms.

NOTE: Since the amount payable under GIS is adjusted quarterly, it is sometimes worth applying even when your income exceeds the current level. Also, you may be able to get an increase in your GIS payments during the year if your income suddenly drops, for example in the year that you retire.

Spouse's Allowance
Many older couples have found themselves in the following situation. The elder spouse has been the breadwinner, and after retirement has no source of income except Old Age Security and the Guaranteed Income Supplement. Since the younger spouse has no income, both people have had to support themselves on a single pension. Spouse's Allowance is designed to relieve the hardship felt in situations such as these, and is directed towards the spouse who is not a pensioner. "Spouse" includes a common law spouse if the couple has been living together and publicly representing themselves as husband and wife for three years where either of them has a legal spouse, or for one year where neither has a legal spouse.

To qualify:

1. You, as the younger spouse, must be aged 60-64.
2. Your spouse must be a pensioner receiving GIS or the combined income of you and your spouse must be such that your spouse must be qualified to receive GIS.
3. You must have resided in Canada for a total of at least ten years since your 18th birthday prior to the approval of your application for Spouse's Allowance.

What you will receive:
As with OAS and GIS, your Spouse's Allowance is paid monthly and adjusted quarterly. Once again, the combined income of you and your spouse for 1985 will be used as your "income" for the purposes of payments made from April 1986 to March 1987.

When the older spouse is receiving GIS, and the younger is not yet receiving Spouse's Allowance, the Guaranteed Income Supplement is paid at the "one spouse on pension" rate. When the younger spouse starts to receive Spouse's Allowance, the Supplement is then paid at the lower "both spouses on pension" rate. However, the combination of Spouse's

Allowance and "both spouses on pension" rate GIS is always greater than "one spouse on pension" rate GIS alone. When the younger spouse reaches 65, then he or she is no longer eligible to recieve Spouse's Allowance. However, this spouse may now apply for his or her own OAS Pension and Supplement. Once both spouses are over 65, any supplement which each receives will be paid at the "both spouses on pension" rate. As of October 1987, the maximum Spouse's Allowance is $546.75 per month. To this is added the older spouse's OAS and "both spouses on pension" rate GIS cheque, the maximum amount for which is also $546.75. In this way, the maximum amount of assistance available to a qualified couple with one spouse aged 60-64 and the other aged 65 or over (that is $1093.50) is exactly the same as the maximum available to a couple in which both spouses are pensioners.

Applications are automatically sent to spouses of OAS pensioners who meet the age requirement. The forms are also available at your local Post Office and area offices of Health & Welfare Canada—Income Security Program. You should apply at least six months before your 60th birthday. You will be required to submit proof of age, your marriage certificate, Social Insurance Number, and proof of residence in Canada.

As with GIS, your entitlement to Spouse's Allowance depends on the combined income of you and your spouse in the preceding calendar year. Thus YOU MUST RE-APPLY FOR IT EACH YEAR. Those receiving Spouse's Allowance automatically receive re-application forms.

Payment of Spouse's Allowance stop when:

1. You die, or
2. You become divorced or separated
3. You reach age 65 or you are absent from Canada for more than six months. Upon return to Canada, you must apply to have payments reinstated.

If your spouse dies, you may still receive the Spouse's Allowance until you reach age 65 or remarry. You must still meet the income requirements.

Widowed Spouse's Allowance

This is a benefit that has been in existence since September 1, 1985.

To qualify:

If you are a widow or widower aged 60-64 whose deceased spouse was not a pensioner receiving OAS/GIS before he or she died, you may be eligible to receive the Widowed Spouse's Allowance. You must meet the same requirements as for Spouse's Allowance and have a limited income.

What you will receive:

As with the Spouse's Allowance, the Widowed Spouse's Allowance is paid monthly and adjusted quarterly. The amount payable is based on

your income for the previous calendar year. As of October 1987, the maximum Widowed Spouse's Allowance payable is $603.63 per month.

To apply:
Application for this benefit is the same as for Spouse's Allowance. *You must re-apply for it each year.* Those receiving Widowed Spouse's Allowance automatically receive reapplication forms.

Appeals:
If you disagree with a decision made by Health & Welfare Canada—Income Securities Program Office concerning an OAS, GIS, Spouse's Allowance, or Widowed Spouse's Allowance matter, you may appeal the decision. For more information on the appeal procedure, contact your area Health & Welfare Canada—Income Securities Program Office.

GAINS: Ontario's Guaranteed Annual Income System
This scheme is administered by the Guaranteed Income and Tax Credit Branch of the provincial Ministry of Revenue. For qualified Ontario senior citizens, it ensures a basic annual income which currently is greater than that provided by OAS and GIS. As of October 1987, the maximum current guaranteed income level is $757.47 for each qualified single senior and $629.75 each for married couples in which both spouses are pensioners. The guaranteed income level is adjusted every three months according to changes in the cost of living index. The GAINS payment itself is not indexed but the increases occur as the OAS and GIS is indexed.

To qualify for GAINS:

1. You must be at least 65.
2. You must be receiving both OAS and GIS (either partial or full pensions).
3. You must be a resident of Ontario and you must either have been an Ontario resident for the full year immediately prior to your application or have been an Ontario resident for a total of 20 years since your 18th birthday.
4. You must have a personal income which is less than the amount guaranteed.

"Income" for the purposes of GAINS is not the same as the "income" calculated for GIS and Spouse's Allowance purposes. For complete information on what is included in income, contact the Ministry of Revenue. You should be aware, however, that OAS, GIS, Unemployment Insurance and Canada Pension Plan payments are among the items included.

What you will receive:
GAINS cheques are sent in the middle of the month, and are thus

separated from OAS/GIS cheques which are sent at the end of the month. Since, as with GIS and Spouse's Allowance, the amount you receive is based on your income for the preceding calendar year, your income for the purposes of payments made from April 1986 to March 1987 will be your 1985 income. GAINS payments are discontinued if you leave Ontario for six consecutive months. GAINS payments may start again in the month you return to Ontario and become resident in Ontario again.

If you are married: If both spouses are 65 or over, the amount of GAINS which they will receive in total is the difference between twice the guaranteed amount for a single pensioner and the amount of their *combined income*. If one spouse is under 65, the couple will receive GAINS only for the other spouse over 65; the amount if based upon their combined 'income'.

N.B. If the younger spouse is receiving Spouse's Allowance, we have already seen that the older spouse's GIS entitlement will drop from the 'one spouse on pension' rate to the 'both spouses on pension' rate. GAINS will not compensate for this drop, and a pensioner in this situation will not be guaranteed the full amount usually guaranteed where one spouse only is receiving GAINS.

Note: *1. Remember that GAINS recipients are entitled to the Drug Benefit (see this chapter's Table of Contents).*
2. If you don't qualify for GAINS on residency grounds, or if you do but have dependents or other special expenses, you may qualify for certain Family Benefits assistance (see this chapter's Table of Contents). See also Supplementary Aid.
3. If your income is suddenly reduced, you may be able to get a compensating increase in your GAINS cheques. Contact the Ministry of Revenue for further information.

To apply:
If you receive GIS, your eligibility for GAINS is automatically considered, and you do not need to apply. If you do not receive GIS, you must apply. For more complete information about GAINS, including the procedure for application and a pamphlet entitled 1987 GAINS for Seniors.

Contact

Ministry of Revenue
Guaranteed Income and Tax Credit Branch,
P.O. Box 624
33 King Street West
Oshawa, Ontario
L1H 8H8

Or Visit

Ministry of Revenue
The Toronto Public Enquiry Centre
50 Grosvenor Street
Toronto, Ontario

Oshawa, phone	433-5155
Toronto, phone	965-8470
Area Code 416	(800) 263-7700
Area Code 807	1-800-263-3792
Other Areas	Dial direct long distance (800) 263-3960

All long distance calls are free of charge.
Out of Ontario Local Provincial Offices.

If is necessary to re-apply each year for GIS or GAINS. If you are already receiving GIS or GAINS, you will automatically be sent a renewal application.

To appeal:
If you are not satisfied with the decision made concerning your GAINS application, you should write to the Minister of Revenue requesting a detailed explanation of the decision about your allowance or eligibility. The Minister must give you reasons in writing and inform you of your right to appeal his decision. If you decide to appeal his decision you must do so within 90 days of the date of his decision.

To appeal, you must send a Notice of Objection on the form which is available from the Ministry of Revenue's Tax Appeals Branch or the nearest retail sales tax office. This Notice of Objection must be served on the Minister personally or by registered mail addressed to the Minister. The Minister then will review the objection and reconsider his decision on this appeal by registered mail.

If you are not happy with the Minister's decision, you may want to speak to a lawyer to determine your chances in a further appeal to the Supreme Court. Appeals from the decision of the Minister are possible only where the decision involves an interpretation of the legislation or an issue of law.

For further information on the appeal procedure you should contact the Ministry of Revenue at the numbers listed above, or visit the Ministry of Revenue's Toronto Public Enquiry Centre at 50 Grosvenor Street, Toronto, Ontario.

Tax Relief

1. Ontario Tax Grants (Property Tax, Sales Tax, Property Tax Exemption)
For more complete information, obtain a copy of the booklet, *Ontario Tax Grants for Seniors 1987 Information Guide*, from the Ministry of Revenue at the address below.

These grants are not taxable and will not be added to income for federal or provincial income tax purposes. They are not considered as income for the purpose of GIS or GAINS (see this chapter's Table of Contents). They are paid to persons who are eligible regardless of their assets or income.

a) The Property Tax Grant
Since 1980 the Ontario Government has paid a direct annual grant of up to $500.00 per house hold to offset the municipal and school taxes paid by persons 65 years and over who own or rent their homes. This grant was increased to $600.00 in 1987. For persons aged 65 or older, the Property Tax Grant replaces the Ontario Property Tax Credit which you used to obtain by filing an Income Tax Return.

To qualify:
1. You must be 65 or older.
2. You must be resident in Ontario.
3. You must pay property tax or rent on a principal residence in Ontario (see the Information Guide for a definition of principal residence).

What you will receive:
In the year of your initial application for a Property Tax Grant you will receive one single lump sum payment. After the first year you will receive one cheque in the spring and one in the fall to coincide as closely as possible with the payment dates of municipal property tax bills. If you are a homeowner you will receive the amount of the property tax on your principal residence or $600.00, whichever is less. If you are a tenant you will receive 20% of the rent on your principal residence or $600.00, whichever is less.

Note: Only one Property Tax Grant per year of up to $600.00 will be paid to each household. Therefore, if you share accomodation with another senior, only one claim may be made. Where only one spouse is 65 years or age or older, the Property Tax Grant must be claimed by the elder spouse regardless of who pays the property tax or rent or who owns the residence.

To apply:
Application forms are automatically sent to persons receiving Old Age Security. Other eligible seniors may obtain a Property Tax Grant by providing proof of age and residency and a completed application. You may obtain an application from the address below. You must file a new application in the fall of each year. Once you have participated in the program a new application will be sent to you automatically.

b) The Sales Tax Grant
Since 1980 the Ontario government has provided direct annual grants of

$50.00 per person to offset sales tax paid by persons 65 and over. For those 65 and over this grant replaces the Ontario Sales Tax Credit which you used to obtain by filing an income tax return.

To qualify: 1. You must be 65 or older.
2. You must be resident in Ontario.

What you will receive:
You will receive a cheque for $50.00 once in the year. The cheques are usually mailed in the fall of the year but are not sent at the same time as the Property Tax Grant cheques. A husband and wife, if both are seniors, will each receive a separate Sales Tax Grant of $50.00 per year.

To apply:
If you are receiving Old Age Security, you will automatically receive a cheque for $50.00 each year and there is no need to apply. If you are not eligible for OAS but are otherwise eligible for the Sales Tax Grant you may apply for the grant by completing an application form and providing proof of age and residency. Once you have established your eligibility, you will also automatically receive a cheque for $50.00 in each year.

Note: A spouse under 65 years of age is not entitled to claim an Ontario Sales Tax Grant but is entitled to claim an Ontario Sales Tax Credit by filing an income tax return if he or she is otherwise eligible.

c) Ontario Property Tax Exemption
Under the Disabled and Seniors in the Community Program, a property tax exemption is available on the increased value of eligible renovations. Where an existing home is improved or renovated after May 15, 1984 for the purpose of accomodating a person 65 or older, and those of any age with physical or mental disabilities, who would otherwise have to live in an institution, there is an exemption from the increased property tax assessment that might otherwise result. The exemption ceases when the senior citizen stops using the property as his/her principal residence. Eligible alterations would include, for example, elevators, intercoms, and changes necessary to make premises wheelchair accessible.

To obtain further information regarding the Ontario Property Tax Grants, Sales Tax Grant, or Ontario Property Tax Exemption contact:

Ministry of Revenue
Guaranteed Income and Tax Credit Branch
P.O. Box 624
33 King Street West
Oshawa, Ontario
L1H 8H8

Toronto, phone 965-8470

Oshawa, phone	433-5155
Area Code 808	1-800-263-3792
Area Code 416	1-800-263-7700
In all other areas	1-800-263-3960

North Ontario Residents may also contact their nearest Northern Affairs Officer. Ask the operator for Zenith 3-3160.

Objections and Appeals

If you do not receive a grant to which you feel you are entitled, or receive less than you expected, or if you have been requested to repay a grant, contact the Ministry of Revenue for an explanation. If you are still dissatisfied, you may file a Notice of Objection within 60 days of receiving a Statement of Determination or a Minister's Decision. You may obtain a Notice of Objection form from the Ministry of Revenue Tax Appeals Branch, or the nearest retail sales Tax Office. Send the Notice of Objection to:

Tax Appeals Branch
Ontario Ministry of Revenue
33 King Street West
P.O. Box 627
Oshawa, Ontario
L1H 8H5

The Minister will review the objection and notify you of the decision. There is no further appeal unless the dispute involves an interpretation of the legislation or a separate legal issue.

To obtain information regarding the Notices of Objection, telephone:

In Oshawa	416-433-6029
In Toronto	416-965-5836

(Ask for the Tax Appeals Branch)

Or Visit

Tax Appeals Branch
Main Floor
33 King Street West
Oshawa, Ontario
Or
The Toronto Public Enquiry Centre
50 Grosvenor Street
Toronto, Ontario

2. Municipal Elderly Residence Assistance Act

Ontario municipalities may allow tax credits for property taxes levied or residential property owned and occupied by senior citizens. Not all municipalities offer these tax credits. To find out if your municipality participates and whether you are eligible for the program, contact your

municipal tax office listed under Taxes in the local government section of the blue pages of the telephone directory.

The City of Toronto does have one of these programs.

To qualify:

1. You or your spouse must be 65 years of age or older on or before March 31 of the year for which the application is made.
2. *You or your spouse must be receiving GIS as of March 31.*
3. You or your spouse must have owned residential property in the city for at least five years immediately preceding March 31.
4. You or your spouse must live in the property on which the municipal taxes have been levied.

You must apply to the City Clerk's Office between January 1 and March 31 of the year for which application is made. If you qualify, you may receive a lump sum $100 tax credit. You must reapply for this credit each year. For more information telephone 392-7036, or write to:

City Clerk's Office
City of Toronto
100 Queen Street West
Toronto, Ontario
M5M 2N2

3. Property Tax Reductions

Under the *Municipal* Act, R.S.O. 1980, C.302, s. 496, if you are unable to pay municipal property taxes because of sickness or extreme poverty, you may apply to your municipality for the cancellation, reduction, or refund of taxes. Applications should be submitted to the Taxation Department of the local municipality by February 28th of the year following the year to which the application applies.

4. Political Contribution Tax Credit

The Ontario Tax Grants for seniors programs does not affect the Political Contribution Tax Credit. Seniors may continue to claim this tax credit by filing the mauve Ontario Tax Credit Form with their Federal Income Tax Return.

Ontario residents claiming this credit for contribution to a registered Ontario political party, registered constituency association, or candidate in a provincial election must have Ontario tax payable.

Canada Pension Plan

There are four types of benefits which are valid under the Canada Pension Plan. They are merely outlined here. For more information, contact your nearest CPP office (in phone book under Government—

Canada—Health & Welfare Income Security Programs). In Toronto contact:

Etobicoke Area	231-5683
North York Area	224-4403
Toronto Midtown Area	973-6580
Scarborough Town Centre	973-4950
Scarborough Area	752-6480

Retirement Pension

To qualify: You must be: a) At least 65 years of age; b) Age 60-64 and have wholly or substantially ceased working
2. You must have made a valid contribution to the Plan in at least one calendar year since January 1, 1966
3. You do not have to be retired.

What you will receive:

You will receive a monthly retirement pension for the rest of your life. The amount of the pension depends upon your earnings during the period in which you were eligible to contribute to the Plan, as well as upon increases in the cost-of-living index since your working days. The pension is payable in Canada or abroad.

If you apply to receive CPP at age 65, you will receive the basic pension which is payable the month after your 65th birthday. The pension is equal to 25% of your average monthly pensionable earnings. The maximum monthly benefit payable in 1987 is about $520.00. Once the pension payment begins no further contribution may be made to the plan.

If you apply to receive CPP between the ages of 60-64, the amount you receive is less than the basic pension. The basic pension is decreased by 0.5% for each month between the date the pension begins and the month after your 65th birthday. To qualify to receive CPP between 60-64, you must wholly or substantially stop employment or self employment. Once the pension payment begins no further contributions may be made to the Plan. The pension amount will not be re-adjusted at age 65.

If you apply to receive CPP between the ages of 65-70, the amount you receive is greater than the basic pension. The basic pension is increased by 0.5% for each month after your 65th birthday. Once the pension payments begin no further contributions may be made to the Plan.

You may contribute to the Plan up to the age of 70. If you apply for the CPP after age 70, you receive a pension that is 30% higher than the basic pension. Contributions to the Plan cease at age 70 regardless of whether you have applied for the pension.

To apply:

You must apply through your district office in order to start receiving the Retirement Pension. You may withdraw your application for benefits

within six months after the first pension payment is received if you make the request in writing to Health & Welfare Canada—Income Security Program. If you withdraw your application you must repay all benefits and pay contributions on all pensionable earnings.

The decision of when to begin receiving the retirement pension is your decision, based on your own individual circumstances. You should make this decision considering your own retirement plans, other benefits you receive, whether you are still employed and the amount of contributions you have made to the CPP. You should contact your local area office of Health & Welfare Canada Income Security Program if you need assistance in deciding when to apply for the CPP retirement pension.

Disability Pension

These benefits are payable to a disabled contributor in the form of a pension and to his dependent children. Dependent children include children under the age of 18 years, children between 18-25 in full time attendance at school or university, and children 18 and older who are disabled.

To qualify:

1. You must be less than 65 years of age.
2. You must be disabled. (Contact your CPP Office for more information on the definition of disability for these purposes).
3. You must have contributed to the Plan in two of the last three years or in five of the last ten years. For further information contact your CPP Office. They will also provide you with an information pamphlet entitled *Disability Benefits*.

What you will receive:

Disability Benefits are paid once a month. As with the retirement pension, your CPP Office will calculate the amount of your benefits. Part of the pension is a flat rate amount and part of the pension is based on your earnings and contributions to the program. The flat rate portion in 1987 is about $240.00. The maximum disability pension in 1987 will be about $635.00. Dependent Children's Benefits, however, are a set monthly amount and are not related to contributions or earnings. The size of Disability Benefits is adjusted annually in accordance with changes in the cost of living index. The benefits are payable in Canada or abroad. Payments start from the fourth month after you are deemed to have become disabled. Payment of Disability Benefits ceases when the contributor or his dependents are no longer qualified to receive them. In the case of the contributor reaching the age of 65, a CPP Retirement Pension automatically takes the place of the Disability Benefits. If you are between the ages of 60-64 and qualify for the Disability Pension, you may either receive a Retirement Pension or Disability Pension depending on which is more beneficial to you. You may receive both a Disability Pension and a Survivor Pension (described below), however the amount

of the combined pension is subject to a maximum amount. In 1987 the maximum amount will be about $765.00.

To apply:
Applications are available at your area office of Health & Welfare Canada Income Security Program. Look in the blue pages of your telephone directory under Government of Canada—Health & Welfare Canada—CPP—Income Security Program. **Note:** *In order not to lose benefits, application should be made as soon as possible.* If you apply late, Disability Benefits will be paid for a maximun of 12 months prior to the date of the application.

Death Benefits, Survivors' Benefits, and Orphans' Benefits
These benefits are payable after the death of a qualified contributor. These benefits include:
1. A lump-sum Death Benefit payable to the deceased's estate;
2. A monthly pension payable to the deceased's surviving spouse;
3. Benefits payable monthly to, or on behalf of, the deceased's dependent children.

To qualify:
Please contact your Health & Welfare Income Security Program Office for more information and for copies of the pamphlets describing Death Benefit and Survivors' Benefits. Generally, qualification is achieved as long as the deceased contributed for the greater of (1) three years or (2) one third of the calendar years for which he was required to contribute to the Plan or at least ten calendar years.

What you will receive:
The Death Benefit is payable once, while the others are paid on a monthly basis. Certain amounts are related to the contribution made by the deceased, while other sums are fixed. The Survivors' Benefit is made up of two portions, a flat rate portion and a portion related to the deceased contributor's earnings. The Orphans' Benefit is a flat rate benefit. The amount of the Survivors' Benefit is partly dependent upon his or her age at the time of the contributor's death and whether the survivor's spouse is receiving his or her own CPP Retirement Pension or Disability Pension.

Prior to January 1, 1987, the Survivors' Benefits were discontinued if the survivor remarried. Effective January 1, 1987, the Survivors' Benefits will continue to be paid if the survivor remarries. Any person whose Survivors' Benefits were discontinued prior to January 1, 1987 on remarriage may apply to have the Survivors' Benefits reinstated. There will be no back payments for periods prior to January 1, 1987. The benefits are adjusted every year in accordance with the cost-of-living.

To apply:
Application forms may be obtained from your local area office of Health & Welfare Canada Income Security Program.
Note: *In order not to lose any benefits, application should be made as soon as possible after the death of your spouse.* Retroactive payments of Survivors' Benefits and Orphans' Benefits will be made only for 12 months prior to the application for benefits.

Division of Pension Credits:
On divorce that takes place after January 1, 1987, you or your former spouse may make a request to the Health & Welfare Income Security Program for an equal division of CPP Pension Credits earned during your life together. The division of credits will take place as soon as information concerning the divorce or annulment is received by Health & Welfare Income Security Program. You and your spouse must have lived together for at least 12 consecutive months prior to the separation and divorce. There is no time limit for providing the information concerning the divorce to Health & Welfare Canada to have the division take place.

You or your legal spouse may also apply for this division of the pension credits accumulated during your life together if you have been separated for at least one year. To be eligible for this division, you must have lived with your spouse for at least 12 consecutive months prior to the separation. An application for this division must be made but there is no time limit within which the application must be received by Health & Welfare Canada. If your spouse dies following a separation then an application for this division must be made within three years of the date of death. Application for this division may be made whether either you or your spouse has remarried, or is in a new common law relationship. This application after a one year separation applies only to separation of at least a one year period that began on or after January 1, 1987.

Common law spouses may also apply for this division of pension credits. You and your spouse must be of the opposite sex and must have lived in a conjugal relationship for at least 12 consecutive months. The separation must also have lasted for at least 12 months or less in the event of the death of your spouse. The application for this division does have a time limit. If you have a common law spouse, you must apply for this division within four years from the date of separation.

If you and your spouse entered into a spousal agreement signed *prior to June 4, 1986*, your agreement may have precluded the division of CPP credits. On or after June 4, 1986, the division of CPP credits may not be waived by a term in a spousal agreement *unless* the spousal agreement contains a clause that expressly mentions the Canada Pension Plan Act and indicates that you and your spouse waive the division of the CPP credits *and* this type of provision in a spousal agreement is expressly permitted under provincial law that governs spousal agreements *and* that

provision of your spousal agreement has not been invalidated by a court order. As of November 1987, Ontario does not yet have such a law permitting the waiver of the division of pension credits. If you become divorced after January 1, 1987 or separate from your legal or common law spouse after that date, and wish information as to whether you can have a division of pension credits, you should contact your local office of Health & Welfare Income Security Program.

Note: *These provisions concerning the division of pension credits described above apply from January 1, 1987.* If you and your spouse were divorced prior to January 1, 1987, you may apply for the division of the pension credits if you and your spouse have lived together for at least 36 consecutive months and you make an application for the division of pension credits within 36 months of the decree absolute in the divorce. A spousal agreement signed prior to June 4, 1986 may also waive the division of CPP credits.

Assignment of Pensions at Retirement

In an on-going marriage, you or your spouse may also apply to have CPP Retirement Pension earned by both of you shared between you. Both you and your spouse must be at least 60 and have applied for the CPP Retirement Pensions that you are both entitled to. This assignment does not give you and your spouse more pension benefits, but divides the total pensions you and your spouse are entitled to equally between you.

To apply:

Apply in writing to your area office of Health & Welfare Canada Income Security Program.

Unemployment Insurance

Once you reach 65, you can no longer receive Unemployment Insurance benefits. On the other hand, UIC premiums won't be deducted from your paycheque anymore. However, you may be eligible, *at age 65*, to obtain a lump-sum "special benefit".

To qualify:

1. You must be 65. You do not have to be retired.
2. You must have been working, for at least 20 weeks in the year preceding your application, in employment of a type for which UIC premiums were deducted from your earnings.

What you will receive:

You will receive a single payment of 3 times 60 per cent of your weekly "insurable earnings". Your weekly insurable earnings are taken to be your average such earnings over the last 20 weeks of your employment.

To apply:

It is tremendously important that you apply as soon as possible after you turn 65. Since there are 52 weeks in a year, if you delay more than

32 weeks after turning 65, you will not have the full 20 weeks of insurable (i.e. pre-65) employment which you must have in order to qualify for this benefit.

To make an application, contact your local Canada Employment Centre (in phone book under Government of Canada—Employment and Immigration—Employment Centres). You will have to fill out an "Application for Benefit" form. Instructions for filling out this form are included with the form and in the pamphlet *UI and You: When You Reach 65*, also available from your local Canada Employment Centre.

In the City of Toronto phone: English 973-4727
French 973-6949

War Veteran's Allowance and Civilian War Allowance
These two assistance schemes are operated by the federal Veteran Affairs Canada.

To qualify: 1. You must be (1) a veteran of the Canadian, Commonwealth or Allied Forces, and have fulfilled certain service requirements (WVA), *or* (2) a civilian who fulfilled certain (different) service requirements (CWA), *or* (3) the surviving spouse or orphan of an individual who would qualify under (1) or (2).

For more information about the necessary qualifications, and about other matters, contact your nearest office of Veteran Affairs Canada (in phone book under Government of Canada—Veteran Affairs—Veteran Services). In Metropolitan Toronto, contact:

Veteran Affairs Canada
North of St. Clair
"K" Wing
Sunnybrook Medical Centre
2075 Bayview Avenue
Toronto, Ontario
M4P 2H3
Phone: (416) 480-4879

South of St. Clair
Room 230
20 Toronto Street
Toronto, Ontario
M5C 2B8
Phone: (416) 973-3971

2. You must be 60 if you are male or 55 if you are female unless you are physically unable to support yourself (consult the Department), in which case the age restrictions would not apply.

3. You must have a monthly income (as defined for the purposes of these allowance) which is less than the monthly level provided for a person in your situation.

What you will receive:
You will receive a monthly cheque representing the difference between your 'income' (calculated for WVA and CWA purposes) and the current monthly rate 'guaranteed' under the programme for someone in your circumstances. The rates (except those for orphans) are adjusted quarterly, to reflect changes in the cost-of-living index. Monthly rates for orphans are adjusted annually for the same purpose. Additional allowances are
made if the recipient has dependent children attending school.

Consult Veteran Affairs Canada for information regarding payment of the Allowance outside of Canada.

To apply:
Apply to the nearest district office of Veterans Affairs Canada. The pamphlet entitled *War Veterans Allowance and Civilian War Allowances* is also available from the office.

To appeal:
If you wish to appeal a decision of a District Officer you must submit this appeal in writing *Within 60 days from the date a copy of the decision was mailed to you* to the following address:

a) To get reasons for decision:
Veterans Affairs Canada Ontario Region
P.O. Box 3333
Postal Station A
Willowdale, Ontario
M2N 5T5

b) To appeal decision:
War Veterans Allowance Board
Appeals and Review Division
P.O. Box 7700
Charlottetown, P.E.I.
C1A 8M9

Note:
1. Consult Veterans Affairs Canada regarding free treatment (for example, dental treatment, glasses, visiting nurse care, chronic care, hospital expenses) for those who are eligible for an Allowance (or who would be were it not for their receipt of OAS/GIS). This treatment is provided only to veterans and not to their spouses.
2. Consult Veterans Affairs Canada it you need additional funds to meet emergencies.

3. For more information concerning programmes and services offered by Veterans Affairs Canada, contact your nearest district office and obtain a copy of the pamphlet, *Veterans Affairs—Programmes and Services.*

Other Service-Related Assistance

The War Disability Pension

This pension is available to certain veterans who may or may not be 65. It will be of interest to those for whom service-related disabilities are just manifesting themselves now. Applications should be made in writing quoting your regimental number, outlining the condition and describing how it is related to service. The applications may be sent directly to:

Canadian Pension Commission
P.O. Box 9900
Daniel J. MacDonald Building
161 Grafton Street
Charlottetown, P.E.I.
C1A 8V6

OR to the nearest Veterans Affairs Canada District Office. The District Offices are listed in the telephone book under the blue pages in Government of Canada—Veterans Affairs Canada.

Note: The Bureau of Pensions Advocates will assist Disability Pension applicants and orphans and widows of veterans in making applications and representing them at appeals where necessary. There is no charge for this service, and there is no income limit as regards the applicant.

For more information, correspond with the Bureau (in phone book in blue pages under Government of Canada—Veterans Affairs Canada—Bureau of Pensions Advocates). In Toronto, the Bureau is located at:

Bureau of Pensions Advocates
4900 Yonge Street
Willowdale, Ontario
M2N 6B2 Phone: 416-224-4414

The Soldiers' Aid Commission

This commission comes under the aegis of the provincial Ministry of Community and Social Services. Financial assistance is made available for Ontario's war veterans and their dependants. Such assistance takes the form of emergency grants to those who meet certain active service, financial and residence requirements. Many applicants are referred to the Commission by Veterans Affairs Canada, but it is also possible to apply directly, or through a Royal Canadian Legion Branch.

For more information, contact your local district office of the Ministry of Community and Social Services. In Toronto, contact:

Soldiers' Aid Commission
2195 Yonge Street, 8th Floor
Toronto, Ontario
M4S 2B2 Phone: 416-965-4891

Family Benefits

This programme is operated through the District Offices of the Ministry of Community and Social Services. The programme as a whole is very complicated, and only selected items are touched upon here. Remember that you may be able to appeal Family Benefits matters to the Social Assistance Review Board (Phone (416) 965-2363 for information).

To qualify: 1. You must be in 'financial need'.
2. Three of the *specific* groups within which one might qualify for Family Benefits are:
a) You are over 65 and are not eligible for OAS (for instance, you might not meet the residency requirements) or GAINS; OR
b) You are a woman aged 60-64 who has no financial support; OR
c) You have dependent children.

What you will receive:

The amount of your monthly Family Benefits cheque will represent the amount by which your 'income' (minus certain 'exemptions') is less than the 'expenses' which someone in your position is deemed to have. Family Benefits recipients obtain allowances which take account of ordinary (day-to-day) needs, shelter, fuel, expenses for necessary special diets, etc. In addition, Family Benefits recipients may get premium-free OHIP coverage, participation in Drug Benefit, and payment for the purchase and repair of hearing aids and eyeglasses. Those who are 65 or older receive an extra $35.00 a month, to help meet the special costs faced by seniors. Family Benefits recipients in nursing homes and similar institutions receive an allowance toward their basic costs, as well as a certain amount for spending money. Some additional assistance may be available under the Supplementary Aid programme (see this chapter's Table of Contents).

To apply:

For more information, or to apply, contact your Ministry of Community and Social Services district office. *If you need money immediately, you will probably find applying for general assistance* (see this chapter's Table of Contents) *a more expeditious alternative.*

Note: You will not receive Family Benefits and General Assistance at the same time. If you do decide on Family Benefits, a field worker will visit you to take your application. Many Family Benefits recipients start out by receiving General Assistance.

In Toronto, for more information contact:

Ministry of Community and Social Services
Toronto Area Office
2195 Yonge Street
Toronto, Ontario Phone: 416-965-1433

General Welfare Assistance

General Assistance is a public assistance programme much like Family Benefits. However, it has two differences. First, it is designed to operate when financial need accrues from emergency or temporary (rather than ongoing) circumstances. Secondly, it is operated by municipalities and other local governments, rather than by Community and Social Services. Thus, in Toronto, enquiries or applications should be directed to Department of Community Services (see blue pages of phone book for listings of local area offices). In Toronto, this is listed under Metropolitan Toronto—Community Services—Welfare Area Offices, phone 392-8623; in emergencies—night and weekends 392-8600.

To qualify:
1. You must be resident in the municipality where you apply.
2. You must be in financial need. One of the groups for whom the existence of need is commonly recognized is that consisting of 'elderly' people.
Note: You do not necessarily have to be 65 to qualify on this basis.

What you will receive:

Your monthly or weekly General Assistance cheque will represent the difference between your 'income' and your 'expenses' including ordinary needs, household supplies, special diet costs, shelter, fuel and utilities. Recipients of General Assistance also receive premium-free OHIP coverage, as well as inclusion in the Drug Benefit programme.

To apply:

Apply as indicated above, to your municipal social services or welfare office.

Remember: You may be able to appeal a decision concerning General Assistance to the Social Assistance Review Board. Phone (416) 965-2363 for information in Toronto concerning the appeal procedure.

Special Assistance/Supplementary Aid

This kind of assistance is made note of in various chapters of these materials. As with General Assistance, this programme is administered by municipal social services offices. Unlike General Assistance, however,

Special Assistance/Supplementary Aid decisions *cannot* be appealed to the Social Assistance Review Board. If you need money to meet certain unusual or extraordinary living expenses, and you are in financial need, then you may want to apply for Special Assistance/Supplementary Aid. **Note:** *Apply before you actually need the money*. If you spend your money and then cannot get assistance, there is, as noted, no appeal.

Special Assistance

This aid is issued to financially needy people to meet extraordinary expenses such as the cost of surgical supplies and dressings, transportation costs, dental services, prosthetic appliances including eye glasses and Comfort Allowance where the applicant is a resident in a nursing home. You may obtain Special Assistance without being in receipt of any other type of assistance.

Supplementary Aid

This is designed for recipients of OAS, Spouse's Allowance, GAINS or Family Benefits. It includes the extraordinary living expenses covered by Special Assistance, and may include provision for such things as 'unusually high shelter costs'.

8. Health Services

The Ontario Health Insurance Plan (OHIP) is a basic insurance plan operated by the Ontairo Ministry of Health.

How do I qualify for Ohip coverage?
1. You must be a resident of Ontairo for at least 12 months, prior to making a application. Coverage begins on the 1st day of the third month following the date of your application.
2. You must apply in writing for OHIP coverage.
For more information, or to apply for coverage, contact your nearest OHIP district office (in phone book under Government - Ontario - OHIP - Ontario Health Insurance Plan).
In Metropolitan Toronto, the OHIP district office is at 2195 Yonge Street, just south of Eglinton. Phone **482-1111**
The pamphlet, *The Ontario Health Insurance Plan: General Guide* available from your district office, is an excellent source of further information.

How Does OHIP Work?
Those covered by OHIP pay a premium into the Plan every three months (but see below). When you receive an insured health service (see below) from a hospital, OHIP pays the hospital directly. When you receive an insured service from a physician or an optometrist, OHIP will pay the full amount of what the practitioner is entitled to charge for that particular service according to the Ontario Medical Association's "schedule of fees".

What Does OHIP Cost?
Usually, persons covered by OHIP must pay a premium four times a year. However, certain people qualify for Premium Assistance which reduces or eliminated the amount of premium payable. To get premium assistance you must:
1. Apply for it. Application forms are available at OHIP District Offices. Applying for OHIP coverage does not automatically include an application for premium assistance.
2. Have lived in Ontario for 12 months immediately preceding your application.
3. Be under 65 and have limited financial means (see *OHIP Guide*) or be 65 or older.
Senior Citizens who have lived in Ontario for a year immediately preceding their premium assistance applications may qualify for premium-free OHIP coverage. Application should be made 6 months prior to your 65th birthday. Once you have received assistance (as a senior) you don't need

to re-apply. In addition, family OHIP coverage can be put in the name of the spouse who is 65 or older, in order to take advantage of premium-free coverage. If you have made the application before you turn 65, you will become eligible for premium-free coverage on the 1st day of the month in which your birthday occurs. The pamphlet OHIP for Seniors is available from your local OHIP office if you require further information.

What Does OHIP Cover?

You should refer to the *OHIP Guide* to determine the exact extent of insurance coverage provided by OHIP. Generally, OHIP will cover most essential services provided by physicians, hospitals and optometrists, as well as several in-hospital dental procedures. Certain services performed by chiropractors, osteopaths and chiropodists are also covered, but only up to a limited amount.

Ambulance Service: When a land ambulance is medically necessary, OHIP will pay all but $21.00 of the total charge. The hospital may adjust the $21.00 balance if you are unable to pay. If you are not insured, or if the trip was not medically necessary, you will have to pay the full ambulance cost.

Extended Care Programme, Home Care: These programmes are covered by OHIP and are discussed later in this chapter.

Coverage Outside Ontario: The coverage which is available outside the province is detailed in a handy booklet entitled *The Traveller's Guide to the Ontario Health Insurance Plan* available from your district office. Generally, OHIP will pay the *full* cost of *emergency* hospital treatment received outside the province, but for nonemergency hospital care, OHIP will only pay doctor's bills and hospital bills up to the amount which they are payable in Ontairo. If you receive health services outside Ontario, be sure to get an itemized receipt.

What About Health Services Not Covered By OHIP?

Several health services not insured under OHIP, such as private duty nursing, therapists' charges, and purchase or rental of physical aids can be covered by subscribing to the Extended Health Care Plan of the Ontario Blue Cross. The difference in cost between standard-ward (as covered by OHIP) and semi-private hospital accommodation can be insured against by joining another Blue Cross plan. However, the semi-private coverage plan is only open for enrollment one month in every year. Contact Blue Cross for further information. Premiums for both these plans are payable every three months and there is no reduction for senior

citizens.For more information, including the cost of these two plans, contact:

Ontario Blue Cross,
150 Ferrand Drive,
Don Mills, Ontario
M3C 1H6 Phone:**(416) 429-2661**

The Blue Cross *'Health Plan for Visitors to Canada'* is available for those who are neither residents nor immigrants and who suffer unexpected illness during the course of their visit to Canada.
The *'Health Plan While Outside Canada'*, also operated by Blue Cross, supplements regular OHIP out-of-province coverage by providing certain additional coverage for those travelling outside Canada.
For more information, including the cost of these two plans, contact Ontario Blue Cross at the above address.

Other Health Services of Interest to Senior Citizens

The Ontario Drug Benefit Plan
Certain prescription drugs are provided *free* to most Ontario seniors under the Drug Benefit Plan operated by the Ministry of Health.

In order to received the advantages of the Plan:
1. You must qualify. (See also Chapter Six of this handbook.) You qualify automatically if you are eligible for GAINS or OAS (in Ontario). You do not need to apply , as your Ontario Senior Citizen Privilege Card will be issued to you soon after you receive your first assistance cheque.
Note: If you receive OAS in another province and then move to Ontario, contact the Ministry of Health Ontario Drug Benefit Eligibility Unit immediately. Since it may take some time for your OAS files to be transferred, the Ministry will issue you a temporary card. However, you must *apply* in order for this to happen. Phone (613) 548-6552 Eastern Ontario or (416) 965-9337 Toronto and Western Ontairo.

If you are not eligible for OAS ar GAINS, but you are at least 65 and have lived in Ontario for the past year either as a Canadian citizen or a landed immigrant, then you may also qualify for Drug Benefit. However, you must make an application for it.
2. The drugs must be prescribed by a practitioner such as a doctor or a dentist.
3. The drugs must appear on the Plan's approved drug list (the 'formulary'). Thus, tell your practitioner that you are eligible for Drug Benefit so that he can make sure that the drugs which he prescribes are included.
4. The prescribed drugs must be dispensed from a pharmacy in Ontario. Show the pharmacist your Privilege Card *before* he or she fills your prescription.
5. The drugs prescribed must be for your use. Your spouse and children

are *not* entitled to take advantage of your card.
For more information, or to apply for Drug Benefit, contact:

Ministry of Health
Drug Benefit Program
P.O. Box 78
Kingston, Ontario
K7L 5K2

Phone: **(613) 548-6552**
(Collect calls accepted) or
Toronto and Western Ontario **(416) 965-9337**

The pamphlet entitled *Ontario's Drug Benefit for Senior Citizens* is a handy booklet on the coverage provided by the Plan. Applications for Drug Benefit can often be found in drug stores.

The Extended Care Programme
This Program operates in Ontario's licensed nursing homes and Homes for the Aged. It is designed for patients who don't need hospital care but do require regular nursing services and medical supervision. For Extended Care Patients, OHIP pays part of the cost of standard ward care. The patient or his family must pay the reminder of the standard costs, plus the full amount of any extra costs for private or semi-private accommodation. Extended Care is not confined to seniors.

To qualify:

1. You must be insured under OHIP.
2. You must have been resident in Ontario for at least one year prior to making application.
3. You must require at least one and one half hours of nursing and personal care per day, and reside in a Home for the Aged or nursing home.

Note: It is advisable to apply for benefits before admission to a nursing home or Homes for the Aged.
Note: Some money for the personal needs of those in nursing homes may be available under the Special Assistance/Supplementary Aid scheme operated by your municipality.

The Home Care Programme
This Program is financed by the Ministry of Health. It enables people who are ill to receive medical services in the home, as an alternative to being admitted to hospital, and it allows those who are convalescing to do so in their own homes rather than in hospital. There are two parts to the Home Care Program:

Acute Home Care, providing short-term active treatment, and
Chronic (long-term) Home Care.

For both programs, any combination of professional services such as nursing services, physiotherapy, occupational therapy or speech therapy may be provided. Other services such as homemaking, medical social

work, nutrition counselling and hospital equipment may be provided along with the health care.

To qualify:

1. You must be insured by OHIP. If you are insured, Home Care is provided free of charge.
2. You must be recommended for the Program by a doctor.

To apply:

Your doctor completes the application for you, if he feels that Home Care would be beneficial to you.

For more information: Home Care plans are organized on a local basis. In Toronto, contact **(416) 963-1364** or contact:

Ministry of Health
Community Health Programs Branch
Home Care Program
15 Overlea Blvd., 6th Floor
Toronto, Ontario
M1H 1A9 Phone: **(416) 963-1360**
or **963-1364**

A pamphlet, *Home Care Programs. There Is No Place Like Home*, is available from:

Ministry of Health,
Health Information Centre,
Hepburn Block
9th Floor, Queen's Park,
Toronto, Ontairo
M7A S2 Phone: **(416) 965-3101**
or toll free, Zenith 69100.

Chronic Care Program

If you require regular frequent health care as an in-patient in a hospital, you may need the services of Chronic Care. After you have been in the hospital for 60 days, the patient in Chronic Care must contribute to the cost of their room and board. The health care is paid by the Ontario Health Insurance Plan. Your co-payment for room and board is adjusted on a quarterly basis. There are some exemptions to this requirement for co-payment. The Chronic Care Program, the co-payment and exemptions are described in the pamphlet sharing the Cost of Chronic Care, available in your local hospital, doctor's office or from:

The Ontario Ministry of Health,
Health Information Centre,
Hepburn Block,
9th Floor, Queen's Park,
Toronto, Ontario,
M7A 2S Phone: **(416) 965-3101**

Visiting Nurses and Homemakers

This scheme is funded by municipalities and by the Ministry of Community and Social Services. It assists in offsetting the costs of nursing and homemaking services received in the home. It is directed towards those who need ongoing maintenance assistance, rather than short-term active treatment which is provided for under the Home Care Programme. The amount of financial assistance which you will receive depends upon the amount which you are able to contribute towards the costs.

To qualify:

You must be receiving the services of a visiting nurse or homemaker. In the case of a nurse, a doctor must certify that her services are necessary.

To apply:

Usually the nurse or homemaker assisting you will help by contacting your local social services office. Later, you will be asked to list your assets and income in order to determine whether you are in "financial need'. The portion of the costs which you cannot afford will be borne partly by the province and partly by the municipality. You must pay the balance, if any, unless alternate arrangements are negotiated directly with the administration of the Visiting Nurses or Homemakers. There is no residency requirement except that you must live in the municipality where you apply for the service.

For more information, in Toronto

Victorian Order of Nurses	224-2180
St. Elizabeth Visiting Nurses	486-1510
Red Cross Homemakers	
Etobicoke	236-1056
Scarborough	438-5544
Visiting Homemakers, Metro	489-2500

Or contact the nearest Area Office of the Ministry of Community and Social Services (see listing in blue pages of phone book under Government-Ontario-Ministry of Community and Social Services) or contact your local municipal community service office.

Physical Aids

The Canadian Red Cross lends sick room equipment temporarily on request by a doctor or by yourself, free of charge. Walkers, crutches, and wheelchairs, etc., are available for up to three months (not long term loan). A limited number of hospital beds are available on the same terms, although not all branches of the Red Cross have them.

In Toronto, Canadian Red Cross:

City of Toronto	923-6692
Scarborough	438-5243

Etobicoke	236-1056
North York	224-2202

If you are in financial need and must purchase any item such as surgical supplies and dressings, or appliances such as eyeglasses, artificial limbs, crutches, or special braces, you *may* be able to get assistance under the Specials Assistance/Supplementary Aid scheme operated by your municipality. To qualify, *You Must Get Approval From The Municipality Before Making The Purchase*. Assistance in purchasing prescribed drugs for those not eligible under Drug Benefit, might also be available as well as dental care. In Toronto contact Department of Community Services: **392-8623**

Public Health Nurse (See also Chapter Three)
The Public Health Nurse is a useful source of much more complete health service information than has been attempted here. In addition, she will counsel, assess needs, and arrange for such services as transportation to a clinic. (Necessary transportation may be available under your municipality's Special Assistance/Supplementary Aid scheme.) Contact your local municipality for further information.

9. Consumer Protection

This chapter is concerned with two questions. The first is "How do you make a good purchase?". The second is "What happens if you make a bad purchase?". If people asked themselves the first question more often, the second would be much less pressing than it is. This is a general guide. If you have a real consumer problem, you will want to add to the information contained in this chapter by consulting a reference work or a knowledgeable individual.

How Does One Make A Good Purchase?

Even the most careful people sometimes find that they have bought something which is defective, or something which they didn't really want, or something which is different from the item which they thought they were buying. It is almost impossible to avoid disappointment completely. However, if you keep the following three things in the back of mind whenever you are making a purchase, the frequency or intensity of the disappointment which you experience might be greatly reduced.

1. Use Common Sense

Using common sense when you are making a purchase means asking yourself a great many questions indeed. Do I really need or want this item? If I do, do I want to pay this price, or might it be advantageous to shop around? What exactly *is* the price: are there any hidden costs? If I accept the price, do I want to purchase it from this person: is he trustworthy?

2. Be Aware of Deceptive Practices

Awareness of the common tricks practised upon consumers takes more effort than the exercise of common sense. But this should not deter you. An educated consumer is a protected consumer, and there is no reason why you shouldn't feel free to educate yourself. A good place to start is to call the Ontario Ministry of Consumer and Commercial Relations and ask for consumer information materials. A number of publications are available from the Ministry on a variety of consumer problems, the legislation affecting consumer purchases, and methods of making effective complaints. These materials are available from

The Consumer Information Centre,
555 Yonge Street,
Toronto, Ontario
M7A 2H6

Phone 416-963-1111 or
TTY/TDD 416-963-0809,
toll free 1-800-268-1142

3. Know About Contracts

Contracts are very important things, and the law governing them is very complicated. You should be aware of two things. The first is that a contract is almost always binding, even though you may have been very foolish to enter into it. You are assumed to have agreed to it for your own reasons, and you will only be able to escape your obligations if you can show that you have some legal right to do so, or if the other party is willing to let you out. Second, a contract does not have to be written in order to be enforceable. An important exception to this general proposition is executory contracts which are discussed later in this chapter. You needn't have paid anything yet; contracts may be enforceable as soon as there is an offer and an acceptance.

Because contracts are so important, you should make every effort to avoid becoming involved in one which you don't find satisfactory. Thus, *before* you sign a written contract, read *all* the terms and conditions carefully, make sure that you understand what is in the contract and what results it will produce, get all verbal undertakings between you and the seller written in, make sure that the seller's name and address appear in the contract and scratch out any terms you don't like (both you and the seller should initial any changes in the contract). *Don't sign* a blank contract, or a contract which you find unacceptable or unclear.

What Happens If One Makes A Bad Purchase?

If you follow the steps suggested above, you will be able to avoid a number of disappointments. However, you as a consumer may still find some of your purchases to be unsatisfactory in one way or another. If you do, you can approach the seller in the hope that he will agree to rectify the problem. If this does not produce any results, you may exercise any legal rights which you may have. Each of these approaches will be outlined in turn.

1. Always Approach the Vendor First.

Many retailers, for the sake of good business relations, will exchange or refund merchandise which the consumer purchaser no longer wants. They will do this whether or not the item is defective and whether or not the purchaser has a legal right not to be bound to the contract. Thus, if you don't want to be stuck with a purchase, it is always most expeditious to try to come to a satisfactory arrangement with the seller.

If the item you purchased is defective and you cannot obtain satisfaction from the retailer, you may wish to approach the manufacturer or distributor. Once again, it is always easiest for you if they will agree to correct the problem.

The booklets mentioned on the previous page contain some hints about how to complain effectively.

2. Exercising Your Rights

You will want to make use of your legal rights when your complaints to the seller or manufacturer have not produced results, and you have thought better of your purchase or the item purchased has proved defective.

i) Some of your rights

- If you received a written guarantee at the time of the purchase:

  If the party giving the guarantee refuses to honour it, then he is not fulfilling his part of the contract, and you are entitled to take action against him. You should read such express guarantees very carefully, since they often guarantee only certain things and in certain circumstances. If your defect is not covered by the express guarantee, even though you had thought it was, you will not me able to enforce it.

  NOTE: Limitations in express guarantees are invalid to the extent that they purport to afford the consumer purchaser less protection than any 'implied conditions' (see below).

- If you bought goods which have proven to be defective:

  There are certain implied conditions which accompany the sale of goods. These are found, not surprisingly in *The Sale of Goods Act*. The Ontario Government is in the process of rewriting this area of the law, but, for the moment, the provisions of the Act remain in effect.

  The implied conditions in *The Sale of Goods Act* often apply only when the vendor is in the business of selling the goods which he has sold to you. They have not been defined decisively in the courts and you should seek a qualified legal opinion as to whether you would be able to argue that the seller has not lived up to them. Generally, however, they include an implied 'guarantee' that the goods which you receive are of the type which you requested, that (where the seller ought to know the use to which the goods will be put) the goods are fit for the purpose, and that they are of such quality that you would have bought them for the same price even if you had known of the existing defects. If the item purchased does not live up to any one of these conditions, then you may have a right to take action against the seller.

NOTE: 1. These conditions may or may not apply to the sale of *used* goods. The law is uncertain on this point.

2. If you contracted for goods or services that turned out to be so defective as to provide virtually none of the benefit intended by the contract, then you may be able to argue that the contract has been "fundamentally breached". If this is the case, you could be entitled to a full refund of any money you paid under the con-

tract. Ask for legal advice on this matter.

3. If you are a consumer purchaser (i.e., you are buying the goods for your own use), *These implied conditions cannot be varied or excluded by the seller*. Thus, he probably can't limit his liability by relying solely on clauses which purport to exclude the Act, or which provided in the case of defective goods for the sharing of repair costs between buyer and seller, or which say that defective goods must be returned within a certain number of days. Unfortunately, such disclaimer clauses are still included to intimidate the unwary.

• If you bought defective goods, but can't recover from the seller because he has disappeared or he has no money:

You may be able to take action against the manufacturer, but only when 1) you have a 'collateral contract' with the manufacturer arising out of an express representations or guarantee given by the manufacturer (it will usually be written, but need not be); *or* 2) The manufacturer was fraudulent or 'negligent'. This second ground for proceeding is very narrowly defined at the moment, but the new provincial sales law may increase the range of this liability, which currently may be limited to physical injury.

• If you bought goods without knowing that the seller did not have full title to them:

Some protection is afforded by *The Sale of Goods Act*, and you usually can take action against the seller.

• If you are a consumer and bought goods or services worth over $50.00 and did not pay their full cost, or received them in their entirety on the spot:

A contract in which the terms are not fulfulled at the time at which it is made or signed (i.e., incomplete payment or incomplete performance of services or incomplete delivery of goods) is known as an 'executory contract' until such time as all terms are satisfied. An executory contract for more than $50.00 is *not* binding on a consumer purchaser unless it is in writing and contains i) the names and addresses of both the seller and the buyer, ii) a description of the goods or services, iii) an itemized price of the goods or services, *Including the terms and cost of any credit extended*, iv) a statement as to whether there is any express guarantee, and if so, what it is, and v) the signatures of both parties. Each party must have a copy of this contract.

NOTE: If you pay by cheque, you are paying on the spot.

• If you bought the goods or services from an itinerant (door-to-door) salesman:

The Consumer Protection Act requires all itinerant salesmen to be registered. If you find out that the salesman from whom you made the purchase was not licensed, you *might* be able to argue that when you made the contract you naturally presumed that he was licensed, and that upon discovering that he is not, you should be allowed out of the contract. This line of argument may or may not work; consult your advisor. The Ministry of Consumer and Commercial Relations registers itinerant sellers, and more information can be obtained from them.

• You entered into an executory contract for more than $50.00 at a place other than the seller's normal place of business:

In this case, a consumer has some rights *even* when the seller, if a door-to-door salesman, is licensed *and* the executory contract satisfies the requirements set out on the preceding page. If you are in this situation, you may "rescind" the contract (that is, cancel it, return any goods received, and get back any money which you have paid) within 48 hours of having made it, without having to give any reasons for doing so. This "cooling-off" peroid is designed to aid people who have second thoughts after having been persuaded to buy something by a high-pressure door-to-door salesman. You must give the seller notice of your decision to rescind *within* the 48 hours, whether by delivering it personally or by sending it by registered mail.

NOTE: If you are mailing it, the time of the postmark is generally considered the time of delivery. This is a useful piece of protection for consumers, and it is a pity that more do not know about it.

• You bought your goods or services as part of a referral selling scheme:

Referral schemes, whereby the seller gives the buyer a discount on his purchase in return for assistance in persuading the buyer's friends to place similar orders, are illegal in Ontario. You will be able to get out of such a contract, and the seller faces a fine and the possible loss of his licence.

• The seller is demanding payment for goods or services which you received
but did not ask for:

If you as a consumer received goods which you did not request or order, you may use or dispose of them as you wish, without any legal obligation.

NOTE: 1. This does not apply if you know that the goods were intended for another person.

2. Be careful that you did not agree to the receipt of such goods in an earlier contract with the seller.

3. For unsolicited credit cards, see Chapter Ten

For more information about The Consumer Protection Act, obtain a copy of a pamphlet produced by the Ministry of Consumer and Commercial Realtions entitled The Consumer Protection Act and How is Works For You, the Consumer.

- The goods or services are not necessarily unsatisfactory, but you feel that you were pressured into the sale by a skillful salesman, and you are now having second thoughts about your purchase:

  The Business Practices Act may offer some assistance in the case of agreements entered into since May 1975. The thrust of this Act is to protect the consumer in situations in which he may have been 'conned' or 'exploited'. It defines a number of 'unfair business practices', including 'false, misleading, deceptive or unconscionable consumer representations'. The consumer may take advantage of the Act if he was induced to make the purchase because of such a representation. The Ministry of Consumer and Commercial Relations has produced the booklet, *Balance in the Marketplace*, which describes the Act and the various remedies available under it. Even if the Act does not protect you, you may have some general rights to relief from an unconscionable transaction. Consult your advisor.

- You are upset about questionable advertising or deceptive marketing practices:

  The federal *Combines Investigation Act* is concerned with 'false or misleading" advertising, and certain marketing practices. It provides that those who are in violation of its terms are guilty of an offence under the Act. Complaining about deceptive advertising or practices will not, under this Act, bring you any personal advantage. However, it is the responsibility of all concerned consumers to discourage deception on the part of sellers, manufacturers and others.

ii) Obtaining your rights

At various points in the above section, it is mentioned that in certain situations, you will have 'rights' against another party. This may not be very helpful, but it is difficult to be more explicit, since the rights you have may depend not only upon the reason for the existence of the right, but also upon the way in which you yourself have behaved, upon the existence of any valid 'disclaimer clauses', upon the type of defect and extent of harm caused by the defect, and upon the type of relief which you seek when you have a choice.

To find out exactly what rights you have in a particular situation, you should seek further advice and assistance. A good place to start is the Consumer Services Bureau of the Ministry of Consumer and Commercial Relations, if you seek general information. If you have a law-related

problem, contact the legal clinic in your area, or one of the law student assistance programmes. Alternatively, obtain a consumer self-help guide and plan your line of approach yourself.

The Consumer Services Bureau is located, in Toronto, at 555 Yonge Street. Phone 963-0321. Other Consumer Services Bureaus are located in Hamilton, London, Ottawa, Peterborough, Sudbury, Thunder Bay and Windsor.

The *Combines Investigation Act* is administered by Consumer and Corporate Affairs Canada, Marketing Practices branch. Regional and district offices in Ontario are located in Toronto, Ottawa, Hamilton and London (in the phone book under Government - Canada - Consumer and Corporate Affairs).

In Toronto, contact:

4900 Yonge Street, 6th Floor,
Willowdale, Ontario
M2N 6B8 Phone **(416) 224-4031**

10. Credit and You

1. Credit Costs Money!

You make use of credit when you borrow money or buy something without paying for it right away. In one way or another, the privilege of not having to pay immediately must itself be paid for. If you borrow money, the interest which you are charged represents the cost to you of not having to reimburse the lender immediately. If you buy something or receive a service on credit, you may not have to start paying interest on the outstanding amount until 30 days or so have passed. But it still costs those who are extending credit to you a certain amount to do so, since they could be using the money if they had it, and this inconvenience must be paid for both by increases in the price of goods sold and by slightly overcharging those who do not pay their bills on time.

Even though credit costs money for everyone, it does not cost the same for everybody! What credit will cost you will depend upon what type of credit it is, when and where you get it, who you are, and how much you receive. There are a number of things you can do in order to make sure that credit costs you as little as possible. Some are outlined in the booklet entitled *Facts About Credit and You*, produced by the provincial Ministry of Consumer and Commercial Relations. They include shopping around for credit, always using it responsibly by paying bills promptly, making sure that you never use it if you cannot meet the cost and terms of doing so, and using as little credit as possible (by giving large down payments, etc.).

2. Types of Credit

Lender Credit

You receive lender credit from a financial institution when you obtain a cash loan from it to enable you to make a purchase or meet an obligation, etc. In return for granting this credit, the institution will require both some security until you pay them back and interest while you are paying them back.

There are a number of types of security arrangements which can be made when you receive lender credit. The first, the 'chattel mortgage', occurs when certain of your assets are held as "Collateral" until you fully repay the amount owing. Alternatively, security could be provided for by having you and someone else co-sign a 'promissory note'. If you default in repaying, both you and the co-signer are liable to pay the amount owing. The rights of the debtor and the creditor in both of these arrangements are governed by *The Personal Property Security Act*. Its provisions are of particular importance in relation to what the lender-creditor can and cannot do if you default in your obligations, and in

such circumstances you should seek competent advice or assistance. Remember that your failure to repay credit according to the terms in which it is given can produce extreme hardship for you, your dependants and your co-signer.

There are a number of sources from which lender credit might be obtained. They will not all charge you the same amount for lending you the money, so it is often a good idea to "shop around". Such institutions include banks, trust companies and credit unions. In addition, consumer loan companies will often extend credit where the others will not, but will generally charge a higher rate of interest. Finally, life insurance companies will allow you to borrow from your own policy. While the rate of interest is low, any amount not repaid at the time of death is deducted from the policy.

Vendor Credit

You receive vendor credit from a seller when you purchase goods or services from him without having to pay him on the spot. Such credit can be extended in a number of different ways.

First, you might have a credit arrangement with a particular store or company. This would usually take the form of having a charge account with it, or of using its own "bilateral" credit card. There is frequently no charge made for the extension of credit if you pay within the "billing period". The costs are met in the price of the merchandise and by those who do not pay on time.

Second, you might use a "multilateral" credit card such as *Visa (Chargex)* or *Mastercharge* to make the purchase. The organization which issues the card guarantees payment to the seller, and you pay the organization. Most credit card companies now charge cardholders an annual membership fee or a user fee for each transaction, in addition to interest on outstanding balances. Costs are also met by those who do not pay on time, and by sellers who pay the organization a percentage of the price of purchases made from them using its card

Third, you might make the purchase by signing a security agreement and a promissory note. The agreement sets out the terms by which you are to make payments, and allows the vendor to repossess the goods sold should you default. The Promissory note is a binding promise by you that you will pay the holder of the note a fixed sum of money no matter what happens. The promise is fulfilled as soon as you have paid the full amount. If the seller wants money immediately and does not want to wait around for your instalment payments, he can sell the agreement and the note to a finance company for a reduced price. The finance company then sets out to recover from you the full amount which you owe. Few consumers realize that in this way they can wind up paying someone other than the retailer. There is some protection for the consumer purchaser in this situation afforded by various provincial acts. In

general and where at all possible, however, it is better to avoid this method of obtaining credit unless you have sought legal advice about the consequences in your particular case.

Fourth, you might receive credit from a retailer in his capacity as the agent of a finance company. When you receive the merchandise from the seller, you agree to take a loan from the finance company as your method of payment. The finance company pays the seller for the goods. You then pay the finance company just as if it were a 'lender credit' situation. You will pay interest and provide security in the form of a security agreement or a promissory note. Once again, legislation affords some protection, but you should be extremely cautions in giving either of these types of security.

3. Credit Cards

If you receive an unsolicited credit card (i.e., one which you did not request) and you do not want it, the best idea is to destroy it. You are deemed to have accepted it if and when you first make use of it, and from that point on you will be responsible for it.

4. The Cost of Credit

Even though credit does not cost the same for everyone, there is a limit to what lender credit from certain sources can cost. Banks can set their own interest rates. However, the interest rate on loans of not more than $1,500.00 from institutions other than banks and credit unions is strictly regulated by the *Small Loans Act*. You should be wary of losing this protection through the apparently convenient device of 'loan consolidation' offered by some finance companies. You will also find that many finance companies are reluctant to lend you less than $1,500.00 because of the restriction on interest rates. Above $1,500.00, there are no maximum interest rates. However, a court may *sometimes* be persuaded to intervence if the cost of the loan is 'excessive'.

If you receive lender credit *or* vendor credit, the party extending it to you must provide you with a written statement of the cost of borrowing, both in terms of dollars and an annual percentage.

5. Credit Worthiness

Whether you are able to obtain a loan, a charge account, or a credit card will depend upon your "credit worthiness". This is determined in a two-step process. First, you make a written application for the credit. At this point, your "credit rating" is extablished by looking at your income, assets, employment record, living accommodations, reasons for borrowing, and character. The last is determined largely by looking at your past conduct regarding the prompt repayment of your bills. After this, you may be required to attend a personal interview.

If you are refused credit, you can request within 60 days to be told the reason for the refusal and the source of the information for the refusal

of credit. Remember, however, that lenders and others are *not* obliged to extend credit to everyone who may request it.

6. Credit information

A lender of credit finds out about your past credit conduct by contacting a credit reporting agency. A file is kept on your performance on making prompt repayments etc. from the first time that you use credit. It is this file which will help determine whether the lender is willing to extend credit to you. Thus, it is of great importance that the information contained is correct, and that you have access to the file in order to make sure that it is. The Ministry of Consumer and Commercial Relations has produced a pamphlet, *The Consumer Reporting Act and How it Helps You*, which discusses your rights in this matter. A consumer credit reporting agency cannot give out information unless you have given your consent.

7. Women and Credit

"Equal Credit Opportunity Guidelines" established by the Ontario Government and endorsed by the credit-granting industry suggest that the basis for determining whether credit will be extended to an individual should be his or her credit worthiness, and should not take account of sex or marital status. These guidelines have made it much easier for women to obtain credit.

8. Advice and Assistance

This chapter is an introduction to the nature of credit and a few of the problems related to its use. Those seeking more detailed information, or who have a specific credit problem, should seek further advice or assistance.

If you cannot meet your debts, the most satisfactory method is often to work out an alternative repayment scheme with the vendor. This may not be possible in many cases, but there are several counselling services which will assist both parties in trying to formulate a satisfactory arrangement. In Toronto, contact:

Credit Counselling Service of Metro Toronto Phone: **366-5251**

Another useful source of mediation and advice is the Small Claims Court Referee. In Toronto, contact:

Small Claims Court Referee,
College Park,
444 Yonge Street, 2nd Floor,
Suite 257,
Toronto, Ontario
M5B 2H4 Phone: **965-5591**

11. Wills

Everyone should consider leaving a will.

Why Leave a Will?

There are two reasons why it is advantageous to leave a will.

1. If you don't leave a will, there will be complication and delay in settling your estate. The Surrogate Court will have to find someone to administer the estate, and the administrator may not be particularly well acquainted with your financial affairs. Your closest surviving relative is usually appointed the administrator. If no one applies for the position, the Public Trustee is appointed as administrator.
2. An important consequence of failure to leave a will is that your estate will be divided in an arbitrary manner, and the resulting distribution may result in hardship for those whom you consider to be the most deserving of recognition, and benefit for those you would have preferred to exclude. If you do die without a will, your estate will be distributed according to a scheme found in *The Succession Law Reform Act*. A surviving spouse receives the first $75,000.00 of an estate, plus a portion of any amount over and above that figure, depending upon whether there are children and how many children there are. The rest, if any, is divided among children or their 'representatives', or goes to your spouse if you leave no descendants. If your spouse does not survive you, your estate is divided among your descendants. If you are survived by neither spouse or descendants, it is partitioned in a complicated manner among your next-of-kin. If you don't make a will and are not survived by your spouse or any descendants or next-of-kin, your estate will go the Province.

The Legal Effect of a Will

A will has no effect until death, and may be revoked or altered at any time until then. However, revocations and alterations will have to meet certain formalities in order to be valid.

A will allows you to say how your assets (after payment of taxes, debts, funeral expenses and lawyer's and executors' fees) are to be distributed. This 'freedom of disposition' is limited to some extent by *The Succession Law Reform Act*, and the *Family Law Act*, 1986. Certain Provisions could operate if you failed to make 'adequate' provision for any person deemed in the Act to be your 'dependant'. Your will remains valid, but the court might, upon application, order certain payments to be made out of the estate to such a dependant. An application for relief, which can be made even if you did not leave a will, can have the effect of delaying the administration of your estate.

The Family Law Act of Ontario was passed on March 1st, 1986, and has retroactive application to all matters not concluded by the courts, back to June 4th, 1985. Under this Act, if your spouse dies, you are entitled, subject to certain exceptions, to receive half of the net family property which the two of you owned. This property consists of the total combined value of all assets, savings, property, pension plans, etc., in the name of either spouse, minus any debts which you had, as of the date of your spouse's death.

If the deceased spouse left a will dealing with the distribution of his/her property, then the surviving spouse must choose whether to accept what was left to him/her in the will, or whether to accept the share of property as provided by the Family Law Act.

It is important to seek legal advice before you prepare your will, in order to understand how the Family Law Act will affect you and your spouse.

How To Obtain A Will

i) If you do not have a large number of assets, or if your financial affairs are very straightforward, and you do not wish to make complicated arrangements in your will, it is possible to make a will without professional assistance. You will need a simple form (available from many stationers), *a text to guide you*, and two witnesses (neither of whom is going to benefit under your will or is the spouse of a beneficiary) to witness your signature. You and the two witnesses MUST stay together until all of you have signed the will.

ii) In Ontario, you may now make a handwritten will without witnesses. **NOTE:** *Such a Handwritten will must be entirely in your own handwriting. Do NOT use a printed stationer's form for this type of will.* This type of will is called a 'holograph will'.

In either of the above cases, proceeed very carefully as the slightest error can defeat part or all of your ententions. Neither method is recommended.

iii) The preferred way of obtaining a will is to have a lawyer draw it up for you. The formalities required for a will to be effective are highly technical, and courts insist that they be observed precisely.

If you have a large estate, a significant amount may have to be paid in taxes. In order to legitimately minimize the amount lost in this way, you may wish to employ the "estate planning" services of the lawyer and /or another qualified professional. If such services are performed in conjunction with the drawing up of the will, the cost of the will is increased. Remember that the sum paid to have a watertight will made up might be insignificant to the legal costs incurred if your home-made will proved defective and your heirs started suing one another! It is possible that you may qualify for legal aid assistance in having a will drawn up. See Chapter Four for details.

Once You Have Got Your Will

Leave your will in a safe place, such as a safety deposit box or at the Surrogate Court. In an accessible place, leave a copy of the will and a note describing the location of the original. Inform your spouse of the location of the will and of the name of the executor. Also inform your executor of the location of the will and of any funeral arrangements. Funeral arrangements should not be included in a will.

Have your will updated every few years as beneficiaries, assets, tax laws, and your wishes change. Consult your lawyer if you wish to make changes, either by alteration of the existing will (usually accomplished by using a document called a codicil) or by revoking the old will completely and substituting a new one. You should be aware that in most circumstances, a will is *automatically revoked* if you subsequently marry or rip it up or make a new valid will.

In conjunction with having a will, you should appoint an 'executor' to handle your estate after your death. The executor can be a person or an institution such as a trust company. If you appoint a person as your executor, you should name another executor, in the alternative in case the first executor named subsequently refuses to act in this capacity, or becomes unable to carry out the duties of an executor, or predeceases you. If you fail to do this, the Court will have to appoint an administrator "with will annexed". Your will is still valid, but there may be a delay until someone else is appointed by the Court. In choosing your executor(s) it is wise to choose a person or persons who are younger than yourself as they are more likely to be alive at the date of your death.

What Happens To Your Estate

The executor is responsible for funeral and burial arrangements. Reasonable funeral costs can be taken out of the estate. See also Chapter Fourteen.

The responsibilities upon the executor in relation to disposing of the estate are many indeed. To make sure that he operates correctly, the executor will almost invariably hire a lawyer to act for him. The fees of both individuals are payable out of the estate. Generally, the executor's compensation is in the range of 2.5% of the income of the estate and 2.5% of the capital. If the executor is a relative or personal friend, he may choose not to claim the executor's compensation. The lawyer's fee varies with the size of the estate and is separate from a charge for drawing up a will.

After making funeral and burial arrangements, the executor must compile a list of all the deceased's assets and debts. A Personal Record sheet (see Chapter Fourteen) will be of great assistance to him, and he has the power to go through all the personal papers of the 'testator' (a deceased person who has left a will) in order to determine what assets and outstanding debts exist.

The executor, after finding out what assets there are, must protect these assets as well as possible for the beneficiaries under the will. To this end, he can personally take possession of assets, and *may* have the power to sell them.

The executor must eventually transfer the substance of the estate over to the intended beneficiaries. Before this can be done, however, he must attend to a number of other matters. Since bequests in wills often refer to a class of beneficiaries, and do not identify them individually, the executor must try to locate all possible recipients. He must attend to all the income tax aspects of the estate. He must pay off the deceased's debts (by selling certain assets, if necessary).

The paragraph above lists only a few of very many things which the executor will have to do before distribution of the balance of the estate to the beneficiaries. There are many other duties which he must perform during this time, and it is the number and complexity of his responsibilities which make it so necessary for him to seek legal advice.

Another duty upon the executor and the lawyer is to obtain 'letters probate' from the Surrogate Court. The Court grants or refuses probate by looking at certain documents (including the will) and deciding whether or not to *confirm* that the will is valid and that the executor was properly appointed.

12. Make Things Easy For Those You Leave Behind

Arranging your affairs for those who will survive you is not the happiest of pastimes, but it is an important matter which we should all face, fair and square, at least once in our lives. Even if we do no more than follow the four simple steps suggested below, basic pre-planning can save enormous amounts of confusion and worry during the highly emotional period immediately after a death. As well, a certain peace of mind often results from knowing that friends have been spared some agonizing decisions.

1. As already discussed, many potential problems can be avoided by having a will drawn up. Let us assume that the process of having the will drafted included any estate or tax planning which you or your lawyer felt was necessary in order to minimize the bite which tax would take out of your estate. The will has now been properly executed. You should leave a copy of the up-to-date will in an *accessible* place. The reason for this is that, while a safety deposit box is secure, and hence a suitable location for the executed original copy of the will, it is often difficult to arrange access to the box immediately after the death of the key-holder.

2. After you have completed such arrangements, the next step includes telling those who must know, as much as you can about the state of your affairs, including the location of both the will and the copy. By having a will drawn up, you ensured that your estate would be distributed as you wished, and also that the distribution would not be delayed by people arguing that it was not being done correctly. The important consideration now is to make sure that the distribution is not held up by your family and your executor having to spend time searching out all your assets. To accomplish this objective, it is obviously highly desirable that you are not the only person who knows the nature and extent of your financial affairs. The dissemination of information can be carried out in any manner which you prefer. You can sit down with those you feel ought to know and go over your affairs in detail. Or you can list all your assets on a record sheet and leave it in a location where it will be found. In fact, you can go about the process in any way you want, remembering that very often there is little real point in keeping things secret.

If you do feel some reserve about detailing your affairs to others, an excellent way to proceed is to complete a personal record. This can serve the function, not of describing the substance of your property, but rather of noting where that information can be found. It will include the location of your will, the name and address of your executor, general information about insurance policies, pension plans, and bank accounts,

as well as noting the location of your assets and debts. This type of personal record, as long as people know where to find it, can assist in expediting the probate of your will while at the same time allowing you to keep the details of your affairs confidential.

A useful personal record booklet has been compiled by Blue Cross, entitled *Why Keep It Secret?* Free copies are available from Blue Cross at the address given in Chapter Eight.

3. The third step which you might consider taking is to follow the increasingly accepted practice of pre-planning certain funeral arrangements. This is of particular interest to those who feel a genuine concern that the surviving members of the family should not make arrangements which are very elaborate and hence very expensive.

With this concern in mind, a number of memorial societies throughout the province provide information regarding simple but dignified funerals in a moderate and predetermined cost range. In Toronto, the Toronto Memorial Society is a non-profit organization of this type. The Society will also give you information regarding the appropriate arrangements should you wish to donate your body for scientific or medical purposes.

Information regarding such pre-planning, and any burial plot which you may have purchased, should of course be contained in your personal record. In addition, it is essential to keep any record regarding the purchase of a burial plot in a known and accessible place. If you do not wish to engage in such extensive pre-planning, you may still wish to leave some indication of the method of disposition which you prefer. Do not put funeral arrangements in your will as often the will is not looked at until after the funeral.

A lifetime membership fee (adjusted for those of limited means) is payable when you join the Toronto Memorial Society. They will send you a list of funeral homes and pre-arrangement forms. The actual funeral costs may be pre-paid or paid at the time of funeral. For more information, contact:

Toronto Memorial Society,
Box 96,
Weston, Ontairo
M9N 3M6 Phone: **241-6274**

4. A fourth concern which you might have in relation to making things easier for those who survive you is to make sure that they have access to sufficient funds until the probate of your will can be obtained. Two of several possible sources of such 'liquidity' are joint bank accounts and life insurance policies. Consult your bank manager or life insurance representative for more information. If you hire someone to plan your estate, ensuring 'liquidity' will be one of his concerns.

13. The Older Person as Tenant

This chapter is about the rights of residential tenants which are to be found in two acts: *The Landlord and Tenant Act* and *The Residential Rent Regulation Act. The Residential Rent Regulation Act* establishes a new rent review system which will be in effect as of February 2, 1987. In certain situations other than those set out in this chapter, you may have other rights, and you would do well to seek advice about your particular situation, rather than conclude from these materials that your rights are limited to those described here. Copies of *The Landlord and Tenant Act* and *The Residential Rent Regulation Act* may be obtained by contacting the Ontario Government Book Store, 880 Bay Street, Toronto, Ontairo M5S 1Z7, Phone (416) 965-6015. Information concerning rent review may also be obtained from the Ministry of Housing, Rent Review Hot Line, Phone in Toronto 585-2838, outside of Toronto call toll free 1-800-387-9060.

Becoming A Tenant

The first thing which you may have to do when you apply to become a tenant somewhere is to give a deposit and sign a form called an 'Agreement to Lease'.

The Agreement to Lease

There are some variations in these types of agreements but generally they work something like this. You fill in a form which asks a number of questions about such things as your personal history, your income and your assets. You sign it and hand it to the superintendant, who in turn takes it to the landlord (the building owner). The landlord looks it over and decides whether or not he wants to rent to you. If he decides that he does not want to rent to you, and he has not signed anything promising that he would, then you cannot make him do so, and you must go to a different landlord. If he thinks that you are a suitable tenant, then he will make arrangements for you to sign a lease. If you have since decided that you don't want to lease, you may lose your deposit. Consult your advisor or get legal assistance if you find yourself in this situation.

The Deposit

At the same time as you sign the agreement to lease, you may have to hand over a deposit.

NOTE: The only deposit which you can be asked for is one consisting of the first week's or month's rent (depending upon whether you will pay rent by the week or by the month) and the last week's/month's rent.

You connot be asked for a deposit to cover any damage which you might do, and the landlord must pay you 6% annual interest on any

deposit which he keeps. if you do become a tenant, the deposit is applied against the appropriate rental period. If you are offered a lease but turn it down, you may lose the deposit, but you should seek advice to make sure that you can't get any part of it back.

If the landlord decides that he would like you as a tenant, and you want to be one, then you enter into a tenancy agreement. If you pay rent every week or every month without having made any agreement as to how long you will be staying, then you are a 'periodic tenant'. In such cases, the agreement is usually not in writing. If you do make an agreement as to the length of your stay, then you are a 'fixed-term tenant'. In these situations, the landlord and tenant usually sign a written 'lease' or tenancy agreement.

The tenancy agreement, whether it be written or oral, operates from the moment the landlord agrees to rent to you and you agree to rent from him. From this point on, the tenant and the landlord of the residential premises have all the rights and obligaions imposed by *The Landlord and Tenant Act*. The tenancy agreement will build on these rights and obligations, and will decide such things as how much rent you must pay, when you must pay it (**Note:** while you may be willing to pay by way of post-dated cheques, the landlord cannot insist upon them), when the lease is to begin (and terminate in the case of fixed-term tenants), and what additional rights and obligations each of you will have. The agreement, whether oral or written, is a contract and is binding upon both parties *to the extent that it does not conflict with The Landlord and Tenant Act or The Residential Rent Regulation Act*. As with all contracts (see Chapter Nine), you should make sure that you understand and are happy with all its terms. The advantage of asking for a written lease in that there is no confusion as to the terms, including the amount of rent, what extra costs, if any, the tenant must meet, and what will happen if the tenant wishes to sublet. Make sure that the name and address of the other party to the lease (the landlord, not the superintendent) is included. *Hint:* If you don't like a term of the lease, cross it out and see if the landlord will sign it anyway. Make sure that you both initial any changes. Remember that any term which contravenes the Acts will be unenforceable anyway. If you have a written lease, the landlord must give you a complete copy within 21 days after you sign it or else he is not entitled to enforce payment of your rent or of your other obligations until he has provided you with a copy. The disadvantage of signing a lease is that it binds you for its full fixed period. However, if your building is not subject to rent control, it guarantees that your rent will remain fixed for the period of the lease.

While You Are A Tenant

As a tenant, you must pay the agreed amount of rent when it is due. Make sure that you have a receipt or your cancelled cheque as proof

that you have paid. If you do not pay according to the terms of your lease, your landlord cannot himself seize your belongings, but he can take certain other action (see below). The landlord does not have to accept part-payment. If you don't pay on time, and there is a clause in the tenancy agreement which states that in such cases future rent payments are 'accelerated', seek independent advice immediately.

Neither you nor your landlord can, except with the consent of the other, alter the locks on any door leading to your rented premises.

The landlord cannot prevent political canvassers from going through the building as long as they do so in a reasonable manner.

The landlord must maintain your rented premises 'in a good state of repair and fit for habitation', and must comply with all the health, safety and housing standards required by law. This is true even if the tenant knew of the disrepair before he entered into the tenancy agreement, and even if there was a clause in that agreement to the effect that such things were the tenant's responsibility. This obligation on the landlord extends both to your rented premises and to such common areas as entranceways and stairs. If your premises, etc., are in disrepair through no fault of your own, you should inform your superintendent. If this does not produce results, and it is not an emergency, you should make a written complaint to your landlord. If you are still unsatisfied, or if it is an emergency, you should seek independent advice or assistance. For emergency and other assistance, contact the appropriate department of your municipal or local government. For advice about whether the premises are in disrepair for the purposes of *The Landlord and Tenant Act*, and what you can do about it if they are, contact your area tenant advisory bureau.

In Toronto, for these and other problems, contact:

Metro Tenants' Legal Services	364-1486
Landlords Self Help Centre	532-7558
or any Legal Clinic	(see Chapter 4)

If there are more than one rented premise in the same building, and if they share a common entranceway or other facility, the landlord must keep 'conspicuously' posted both his name and address and a copy of summary of the Part of *The Landlord and Tenant Act* dealing with residential tenancies.

The landlord cannot intimidate you or harass you in an effort to make you move out, e.g., because you form a tenants' association or in some other way exercise your legal rights. In addition, he cannot while you live in the building withhold or cause to be withheld or 'deliberately interfere' with the supply of vital services such as heat, water and electricity. He cannot, without a court order, seize your possessions to recover overdue rent.

The tenant has a right to privacy. You can refuse to let the landlord

into your rented premises at any time, unless (1) it is an emergency, or (2) you give your consent at the door, or (3) to show prospective new tenants your premises (But Only during reasonable hours *and* you gave your permission to do this when you first signed the lease *and* notice of termination has been given (see below), or (4) under the terms of your tenancy agreement, you gave him express authorization to do so (But Only where he gives you written notice at least twenty-four hours in advance *and* when that notice specifies exactly when he is coming *and* when the time specified is during daylight hours).

Unless you live in subsidized housing, you have a general right to *sublet* your premises. If there is nothing in your tenancy agreement about subletting, you can sublet without needing to obtain the landlord's permission. If there is a clause stating that the landlord's consent is necessary, then you must obtain his consent to the subtenant you are proposing. However, he cannot 'arbitrarily or unreasonably' withhold his consent. The landlord can charge you for his expenses incurred in deciding whether or not to give his consent. Such expenses would include checking the credit and other references of the proposed subtenant. Many landlords have decided that they will charge $50.00 for doing this. However, *The Landlord and Tenant Act* limits them to charging only for 'reasonable expenses' actually incurred, and you may wish to see an itemized statement of expenses before handing over the full $50.00.

NOTE: If you sublet to someone, be sure that you trust him. For the remainder of the term of your tenancy, you are responsible for paying for damage done by the subtenant and for rent which he does not pay. If the subtenancy agreement is such that your subtenant pays you and you pay the landlord, you cannot charge the subtenant anything more than the amount which you have to pay.

You Want To Leave

If you want to leave at the end of the tenancy period, or when your lease expires, you must give your landlord *notice*. This notice must be in writing, and must (1) be signed, (2) identify the premises which it concerns (including the apartment number, if any), and (3) state the date on which the termination is to occur.

If you are a 'periodic tenant' who pays rent every week, you must give notice at least 28 days prior to the date specified for termination and the date for termination must be the last day of a period of tenancy. If you are a *monthly* or *yearly* periodic tenant, *or* if you are a *fixed-term* tenant, notice must be given at least 60 days before termination and the date for termination must be the last day of the month or year or fixed term as the case may be.

NOTE: Keep a Dated Copy of Your Written Notice.

NOTE: 1. If you are a fixed-term tenant, and do not give proper notice, your obligations will not cease when your lease expires. You will be deemed to be continuing on as a monthly periodic tenant, and will have to continue paying rent until you arrange a termination date (i.e., 60 days after you give notice).

2. If you give notice so that the 28 or 60 days elapse in the middle of a rental period, then you will be responsible for paying rent up to the *end* of that period as you may only validly terminate on the last day of a period of tenancy.

If you want to leave before the end of a tenancy period, or before your fixed-term lease expires, then you have four possible options. First, you can try to get written and signed consent from your landlord permitting you to move out early. This is the best alternative, as it is simple and you will not be required to pay rent after you leave. Unhappily, few landlords will agree to the procedure. Secondly, you might sublet. As explained above, you will have a continuing responsibility. Thirdly, you can apply to the court for a termination order when the landlord is in serious breach of his responsibilities. Obtain advice and assistance if you plan to proceed in this manner. Finally, in the last resort, you can simply leave. You will be responsible for paying both your landlord's expenses in finding a new tenant and the rent until he does so (i.e., at least the rent that would have been payable under your tenancy agreement). The landlord must make reasonable efforts to find a new tenant, but need not give your premises priority over other vacant units.

Your Landlord Wants You To Leave

If your landlord wants you to leave at the end of a term or a tenancy period, regardless of whether or not you want to leave, he must give you the same type of notice, with some additions, as described on the preceding page. *You do not have to leave just because you receive this notice.* The notice must tell you the reason that you are being asked to leave, and must inform you of the steps which he intends to take if you wish to stay. He may only legally ask you to leave for the reasons set out below.

The landlord does not have to give you such notice if you have already vacated the premises, or if you have given him notice or otherwise agreed to move out on a particular day.

If your landlord wants you to leave and you want to leave, you do not have to send notice of termination when you have received such notice from him.

If your landlord wants you to leave and you do not want to leave, the only way in which he can terminate your occupancy is to evict you. Thus, if your fixed-term lease has expired and you wish to stay on, you have the legal right to do so as a monthly tenant (as explained on the

preceding page), not merely until you receive notice, but rather until you are evicted. This new monthly tenancy is governed by the terms of the old fixed-term agreement unless and until a new tenancy agreement is drawn up. Your landlord can't force you to sign a new tenancy agreement but he can raise the rent in accordance with rent controls.

It is not very easy for your landlord to force you to leave if you wish to stay. *He cannot force you out without first going to court and getting an eviction order.* Even if he does manage to get the order, he is still not allowed to physically or otherwise eject you himself (see below). Remember, the landlord cannot withhold or cause to be withheld or 'deliberately interfere' with the reasonable supply of vital services, nor can he substantially interfere with your 'reasonable enjoyment' of the premises in an attempt to make you leave.

The landlord must go through a number of stages in order to have you evicted. First, he must almost always give you a properly drawn up notice of termination (see above). When you receive such a notice, and you have no wish to move, you should get independent advice or assistance. The notice must state the reason that you are asked to terminate, but *there are only a few reasons for which the landlord will actually be able to force you to leave.* The reasons for which your tenancy can be terminated against your will are:

1. Your landlord requires your premises for accommodation for himself or his family. This can only take effect at the end of a rental period or a fixed term, and he must always give you 60 days notice even if you are a 'weekly' tenant. If you have not moved out when required, the landlord can then apply for an eviction order within 30 days. If he doesn't apply within 30 days, his termination notice is void.

2. Your landlord wants to demolish the premises, or to convert them to a use other than residential premises, or to make such extensive repairs of renovations that he will have to get a building permit and that the premises must be vacated. This kind of termination can take effect only at the end of a tenancy agreement, and you must always be given 120 days advance notice. If you receive this kind of termination notice, you have certain rights with regard to ending your tenancy early and having the right of first refusal on the premises when the renovations or repairs are completed. Check with your tenant advisory service for details. If you have not moved out when required to do so, the landlord can then apply for an eviction order within 30 days. If he doesn't apply within 30 days, his notice of termination is void.

3. You have failed to pay rent in accordance with your tenancy agreement. As soon as your rent is late, the landlord can give you notice that your tenancy will terminated 20 days later (even if this termination date falls in the middle of a rental period or a fixed term). You have the right not to have the tenancy terminated by paying the outstanding rent in

full within 14 days of receiving the notice, and that notice must specify that you have this right. If you have not paid within 14 days, the landlord can then apply for an eviction order. You still may be able to avoid termination by payingthe outstanding rent in full 'into court' before the eviction order (the 'writ of possession') is granted. Consult your tenant advisor immediately. Even if you are evicted, you will still be responsible for paying the rent which you owed.

4. You have 'persistently' failed to pay rent on time *or* you live in subsidized housing and no longer meet the income or other requirements to live there. Termination can only take effect at the end of a rental period or a fixed term, and the landlord must give you the same notice that you would have to give if you were seeking termination (i.e., 28 days for weekly tenants and 60 days for monthly or fixed-term tenants). If you have not moved out when required, the landlord can then apply for a writ of possession.

5. You or your guests have willfully or negligently caused undue damage. You have carried out or permitted an illegal business or act upon the premises. You or your guests have acted so as to 'substantially interfere' with the normal, reasonable enjoyment of the premises by other tenants or by the landlord. You or your guests have 'seriously impaired' the safety or right of any other tenant. The number of occupants of your premises contravenes health, safety, or housing standards. You are a tenant in subsidized housing, and 'knowingly and materially misrepresented' your relevant income.

If any of these things happens, the landlord can give you notice that your tenancy will terminate 20 days later (even if this termination date falls in the middle of a rental period or a fixed-term). In the case of an illegal act or business, and in the situation where you misrepresented your income for subsidized housing purposes, the landlord can apply for a writ of possession *at the same time* as he gives you notice. In any of the other four situations in this category, you have 7 days to remedy the situation, or to show that you are ready to do so. If you fail to do this within the 7 days, the landlord can then apply for a writ or possession. **NOTE:** If you remedy the situation ('to the reasonable satisfaction of the landlord') within the 7 day period, but then allow any of this six situations in this category to occur within 6 months, the landlord can give you an immediate 14 day termination notice and apply for a writ of possession *at the same time*.

Rent Review

A new system of rent review was put into place in Ontario in December 1986. The new legislation is *The Residential Rent Regulation Act*. The old Act, *The Residential Tenancies Act*, has now been repealed.

1. Obligations and Rights

If the landlord wishes to raise your rent, he must give you a written

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Rent Review

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1. Obligations and Rights

If the landlord wishes to raise your rent, he must give you a written

notice at least 90 days before the end of your rental period or fixed-term of tenancy. The notice must be in the prescribed form and must express the amount of the increase both in dollars and as a percentage of the current rent. If the landlord does not give the required notice, an increase in rent is void. If you would prefer to leave rather than accept the increase, you can, within the time allowed to tenants to send termination notices (that is, at least 28 or 60 days prior to termination depending on your type of tenancy - see above), give notice of your intention to leave. If you do not send such a notice, and do not challenge the increase (see below), you are presumed to have accepted it or at least to have accepted the amount of it that does not exceed the amount allowed under rent review.

The obligation to the landlord to give proper notice of a rent increase is found in **The Residential Rent Regulation Act** and applies to all private rental units in Ontario. Under the old system of rent review, units built after 1975 were not subject to rent review. The new legislation removes this exemption for these units and now all private rental units in Ontario will be covered by rent review. Some persons living in other rental accommodation are not covered by rent review. Accommodation not covered by rent review includes hotels, motels, or tourist homes, living accommodation provided by non-profit co-operative housing corporations to its members, living accommodation provided in hospitals, nursing homes or homes for the aged, and living accommodation provided to a person in relationship to their employment (i.e., where a person is living on a farm and the living accommodation is conditional on the person continuing to be employed on the farm).

After a rent increase of *any* size, no additional rent increase is allowed for the next 12 months.

The amount of the increase is regulated by the legislation. The new legislation provides for the development of a Rent Review Guideline. In the past, a fixed guideline was established periodically setting the rent increase at 6% or 4%. These guidelines usually lasted for several years even when economic circumstances facing landlords and tenants changed over time. The new legislation provides a flexible guideline to be determined by the Ministry of Housing. The Ministry of Housing will announce by August 31st of each year the Rent Review Guideline for the upcoming year. To calculate the guideline the Ministry will use a formula based on changes in the operating cost of maintaining a typical well run rental building. The Guideline is the amount by which a landlord can increase the maximum rent for a unit during the year without approval from rent review. In August 1987 the Rent Review Guideline was set at 4.7%.

A tenant does not have to accept a rent increase at or below the 4.7% guideline. A tenant wishing to challenge a 4.7% guideline increase may

apply to rent review to dispute the increase on certain grounds. As well, a landlord is not necessarily limited to the rent increase and can apply to rent review for a higher increase but must justify the increase.

2. Procedure

If you wish to challenge the rent increase, you would do well, once again, to seek advice or assistance. If the proposed increase is less than the Rent Review Guideline (in August 1987 4.7%) you can still challenge it by making an application to the Minister for an order requiring the landlord to reduce the amount of the rent increase. The application must be made not later than 60 days before the effective date of the intended rent increase. You must pay the rent asked for up to the maximum allowed under the Rent Review Guideline until the Minister has made his decision. If the Minister decides in your favour, the landlord will be required to pay back to you the excess rent money paid.

If the proposed increase is greater than the Rent Review Guideline, the landlord must apply to the Minister at least 90 days before the increase is to occur, for an order permitting him to make such an increase. The landlord must state his reasons for the intended increase and will base his application upon the contention that his costs and expenses are going up or that he is operating your building at a loss. You as a tenant affected by the application may submit material and make representations to the Minister not later than 40 days before the effective date of the first rent increase applied for. The landlord may also submit material and make representations in response to the information you supplied to the Minister not later that 40 days before the effective date of the first rent increase or 20 days from the date of your submission, whichever is later. The Minister is then required to determine the total rent increase permitted for your rental unit. Where the landlord applies for approval of a rent increase above the Rent Review Guideline in any one unit, the Minister will review the rents charged for all of the units within that building. This is called a whole building review.

You will receive a copy of the order of the Minister determining the amount of the rent increase. If you or the landlord are not satisfied with the order you may appeal the order of the Minister by filing a Notice of Appeal in the prescribed form with the Rent Review Hearing board within 30 days of the date of the order of the Minister. You then have the opportunity to file with the board copies of any documents you wish to rely on at the hearing of the appeal that were not originally filed with the Minister on the first application. The Board will then give a notice to you and the landlord of the date, place, and time when the appeal will be heard. Prior to the hearing the Board may require you as the tenant and the landlord to attend a pre-hearing conference to discuss the issues to be dealt with at the hearing of the appeal and to determine whether anyone else should be receiving notice of the appeal. At the date sent

for the hearing you will be entitled to present any evidence and witnesses who may testify on your befalf concerning the amount of the rent increase that should be permitted. The landlord is given this same opportunity. At the end of the hearing the Board may agree with the order of the Minister, or vary it, or substitute its own order. You will receive a copy of the order of the Board automatically together with reasons in writing for the order.

There is a further appeal to the Divisional court. For more information about appeals and the procedure on the appeals, you should consult a lawyer or a legal advisor.

Residential Rental Standards Board

A Residential Rental Standards Board has also been established in this new legislation. This Board will set minimum provincial standards of maintenance in rental buildings across Ontario. This is a new protection that previously did not exist. Under the section of the legislation, tenants can obtain an order to permit a reduction in the rent increases if adequate standards are not maintained by landlords.

Rent Registry

A Rent Registry is also being established to record the maximum legal rent for all rental units in the province. Information from the Registry is free of charge and available by telephone or by visiting a local rent review office. Under the previous system, a rent registry did not exist and there was no way for tenants to determine the legal maximum rent for a unit. As a result many tenants were charged illegal rents. The new system requires all landlords to register the rent they were charging for each unit. Tenants are now able to challenge the rent submitted by the landlord and landlords found to be charging illegal rents will have to provide rebates to tenants.

Advice and Assistance

You will wish to seek advice and assistance on many different landlord and tenant matters, including general advice, assistance in defending against eviction proceedings, assistance in applications for rent review to the Minister or hearings before the Rent Review Hearings Board, assistance in prosecuting the landlord in cases or severe breach of his obligations or disregard for your rights, assistance in defending yourself in Small Claims court against actions by the landlord for unpaid rent or for damage done to the premises, and assistance in suing the landlord to recover money owing to you for possessions wrongfully seized by him.

When a problem can be solved by direct discussion with your landlord, you should always seek to do so. Such a solution is always preferable to the animosity which results from meeting one another in court.

Legal aid certificates are often available for landlord and tenant disputes. Advice and assistance is also available from tenant adisory ser-

vices (in Toronto, see earlier in this Chapter), as well as from legal clinics and the law school assistance programs (see Chapter 4), and from your local Rent Review Office.

For more information call toll free long distance 1-800-387-9060 or telephone your local Rent Review Office. In Metropolitan Toronto the Rent Review Office may be contacted at:

City of Toronto	964-8281
East York	429-0664
Etobicoke and York	236-2681
North York	224-7643
Scarborough	438-3452

Of Interest to Seniors

- Subsidized rental accommodation: Check with your municipality/county, etc.
- Don't forget that tenants can claim the Property Tax Grant (Chapter 7).
- Shelter costs are included in the computation of 'expenses' for Family Benefits and General Assistance recipients.
- There may be some financial assistance available to meet 'unusually high shelter costs' under the Special Assistance/Supplementary Aid program operated by your municipality.

14. The Older Person as Homeowner

The homeowner has many rights in many areas of the law. This chapter is limited to a discussion of some of the assistance available to the older person in his or her capacity as the owner of a home.

1. Assistance With Repairs

If your neighbourhood is in an area that is designated for a Neighbourhood Improvement Programme, you might qualify for Residential Rehabilitation Assistance. The aim of the RRA Programme is to repair or rehabilitate substandard homes so as to bring them up to the health and safety standards of the municipality in which they are located. Loans of up to $10,000.00 are available. Qualification for this type of assistance is determined on the basis of your gross debt ratio, and the amount which must be repaid depends in part upon your income.

To apply:

Contact Central Mortgage and Housing Corporation 781-2451.

If your home is not located in a Neighbourhood Improvement Program area, you might qualify for assistance under the Ministry of Housing's Ontario Home Renewal Program. The OHRP scheme again assists owner-occupants to bring their homes up to approved municipal standards, by repairing or upgrading essential items such as plumbing, heating, electrical systems, structural defects, and sanitary conditions. To be eligible for assistance, your 'adjusted family income' must not exceed $15,000.00. Loans of up to $7,500.00 are available. The interest rate on the repayable portion, as well as the amount which does not have to be repaid, is geared in part to your income and will not exceed 8% per annum. You must be residing in the home to qualify.

To apply:

Contact the Ontario Ministry of Housing, Ontario Housing corporation, Field Operations Branch, 416-585-6430.

There may be some financial assistance available to meet 'necessary repairs to a home owned and occupied' by you under the Special Assistance/Supplementary Aid programme operated by your municipality.

2. Tax Relief

- Homeowners can claim the Property Tax Grant.
- Senior owner-occupants in the City of Toronto may be eligible for the Tax Assistance Programme for Elderly Residents. Senior owner occupants

in other cities may be eligible for similar programmes if offered by their own municipality.
All of these matters are discussed in Chapter 7.

3. Assistance With Paying Bills

- Shelter and fuel costs are included in the computation of 'expenses' for Family Benefits and General Assistance recipients.
- There may be some financial assistance available to meet 'unusually high shelter costs' under the Special Assistance/Supplementary Aid programme operated by your municipality.

4. Other Assistance

- The Home Care Programme is available for qualified OHIP recipients who are in need of short-term, active care, or long term chronic care.
- Visiting nurses and homemakers provide services in the home. Some assistance in meeting the cost of these services may be available.

For a discussion of either of these schemes, see Chapter Eight.

- Some municipalities offer a sidewalk snow-clearing service for seniors. Check with your municipality.
- Your local community centre will have information on other services, such as Meals-on-Wheels, and light housekeeping and handyman assistance available in your area.

In Toronto, contact:

Community Information Centre	863-0505
Seniors Information Service	965-5103

5. Renting And Boarders

- Before you rent, check with your municipality with regard to zoning by-laws and other possible complications.
- Income received by the way of rent must be reported in your income tax return, and, may affect the amount of certain public financial assistance available to you.
- You will have all the responsibilities and obligations of a landlord. Check with your local Rent Review Office and/or obtain copies of the Landlord and Tenant Act and the Rent Regulation Act from the Ontario Government Bookstore.

For more information call 1-800-387-9060 toll free or in Toronto call 964-8281.

- If you have a problem with your tenant, you may call your local Rent Review Office, or the Police, or your lawyer depending on the nature and urgency of the matter.

6. Selling Your Home

- You will probably require the services of a licensed real estate agent and a lawyer. The fees for both services will normally be paid out of the

proceeds of the sale and will usually be calculated as a percentage of the sale price.

- There may be some financial assistance available to meet 'moving costs' under the Special Assistance/Supplementary Aid programme operated by your municipality.

15. Criminal Injuries Compensation Board

If you become a victim of a crime of violence

The Government of Ontario recognizes the need for compassionate and deserving assistance to those people who unfortunately become the victims of crimes of violence, and has established the Criminal Injuries Compensation Board to look after this need. The Board is authorized to award compensation to such victims of crimes of violence committed within the province, and which result in personal injuries or death. The crime must be one which is an offence against the Criminal Code of Canada.

What Type of Occurrence Would Qualify for Compensation?

1. Where a person is injured or killed as a result of such offences as assault, wounding, murder, rape or various other acts of a like nature.
2. Injuries received while assisting a Police Officer while lawfully arresting or attempting to arrest a person committing, or upon reasonable and probable grounds, appears to be about to commit, a crime against some other person.
4. Injuries sustained while preventing or attempting to prevent an offence against another person. (However, when it appears you may become involved in preventing or attempting to prevent a criminal act, you are urged to use caution and common sense, and above all seek professional help as quickly as possible).

What Could Compensation Include?

1. Pain and suffering.
2. Actual and reasonable expenses paid out as a result of an injury or death, such as; medical bills, prescription drugs, denture or eye-glasses, funeral expenses, etc., but personal items, such as clothing, cash or jewelry, etc., are not considered to be an allowable expense, nor is damage to real property.
3. Net salary or wages lost as a result of the victim's inability to work as a direct result of the injury.
4. Monetary loss incurred by dependants (wife, husband, daughter or son, etc.) as a result of the victim's death.
5. Other monetary loss resulting from the victim's injury and any other expense that, in the opinion of the Board, is reasonable.

Benefits received by the applicant from other sources; such as an insurance plan, OHIP, Workmen's Compensation, UIC, Welfare and Canada Pension Plan, will not be duplicated in an award.

How Is The Amount Of Compensation Determined?
Members of the Board (sometimes one, generally two) will hear the applicant's claim in am informal and uncomplicated proceeding. The nature of the hearing is designed to put the applicant at ease and to promote a free and honest review of the claim.

The applicant must provide the Board with documentary proof; such as medical reports, receipts or bills for out-of-pocket expenses, employer's statement of lost wages, etc., in order to prove any claim made in the application.

What Other Aspects Are Reviewed In Determining If Compensation Should Be Awarded And The Amount Of The Award If The Applicant Is Found Compensable?
The board will examine all relevant cercumstances including any aspect of the victim's behaviour which may have, directly or indirectly, contributed to the injury or death.

The Board may reduce or refuse an award where, in its opinion, the applicant failed to promptly report the offence to, or refused reasonable co-operation with, a law enforcement agency.

Is There A Period Of Time Within Which An Application Must Be Made?
Yes, Within One Year of the date of the injury or death. Where there are special circumstances, the Board may, upon application, exercise its discretion and extend the period, but it is important to submit an application promptly.

Is It Necessary For An Applicant To Retain Legal Counsel?
No. It is not essential to have a solicitor representing you, but it may be wise to do so.

Important:
Should you become a victim of a crime of violence, report the occurrence promptly to the police. Then make your application to the Criminal Injuries Compensation Board without delay.

Do not wait for a conviction or other determination of the criminal charge by the courts.

The Criminal Injuries Compensation Board is located at:

439 University Avenue, 17 Floor,
Toronto, Ontario
M5G 1Y8 Phone: **(416) 965-4755**

The staff is available from 8:45 a.m. until 5:00 p.m., Monday through Friday, and they will be pleased to answer any inquiry you may have and/or forward an application form upon request.

16. Office For Senior Citizens' Affairs

The Ontario Government established an office for seniors within the Secretariat for Social Development. Its function is primarily to coordinate information services, research and policy development within the various Ontario Government Ministries.

The Office for Senior Citizens' Affairs consults with seniors groups and associations and helps make access to information and services for Ontario senior citizens simple and easy. For further information write to:

Office for Senior Citizens' Affairs
76 College Street, 6th Floor
Queen's Park
Toronto, Ontairo
M7A 1N3
Phone: **(416) 965-5106**
(Collect calls will be accepted)

The Ontario Advisory Council on Senior Citizens advises the Government of Ontairo through the Minister of Senior Citizens' Affairs on matters related to the wellbeing of the aged and ageing persons across the province. Council publishes a quarterly newspaper, Especially for Seniors, which is sent to everyone receiving the Federal OAS Pension. For more information contact:

Ontario Advisory Council on Senior Citizens
700 Bay Street, Suite 203
Toronto, Ontario
M5G 1Z6
Phone: **416-965-2324**